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ACTS

OF THE

PARLIAMENT OF THE UNITED KINGDOM,

OF

GREAT BRITAIN & IRELAND,

PASSED IN THE SESSIONS HELD IN THE

35TH AND 36TH, AND 36TH AND 37TH YEARS OF THE REIGN OF
HER MAJESTY

QUEEN VICTORIA,

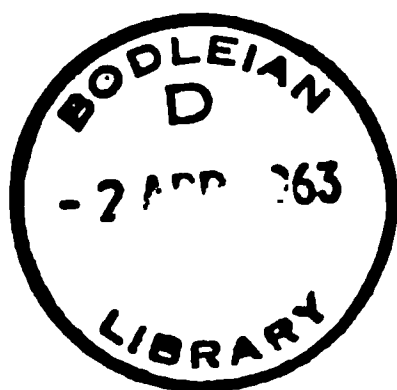
BEING THE FOURTH AND FIFTH SESSIONS OF THE TWENTIETH
PARLIAMENT OF THE UNITED KINGDOM.



OTTAWA.

PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER (FOR CANADA) TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1873.





35 and 36 VICTORIA.

CHAP. XLV.

An Act to carry into effect a Treaty between Her Majesty A.D. 1872
and the United States of America.

[6th August, 1872.]

WHEREAS a treaty between Her Majesty and the United States of America was signed at Washington on the eighth day of May, one thousand eight hundred and seventy-one, and was duly ratified on the seventeenth day of June of that year, which, amongst other things, contained the articles set out in the Schedule to this Act:

And whereas an Act intituled "*An Act relating to the Treaty of Washington, 1871*," has been passed by the Parliament of Canada for the purpose of carrying into operation the said articles;

And whereas an Act intituled "*An Act relating to the Treaty of Washington, 1871*," has been passed by the Legislature of Prince Edward's Island, for the purpose of carrying into operation the said articles;

And whereas the Congress of the United States of America have not as yet passed any Act for carrying into operation on the part of the United States the said articles;

And whereas it is expedient to make provision by Act of Parliament for carrying into operation the said articles

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Canada Treaty of Washington.

Suspension
of Acts at
variance with
articles.

1. As soon as the law required to carry into operation, on the part of the United States of America, the articles set out in the Schedule to this Act has been passed by the Congress of the United States and come into force, all Acts of Parliament and laws which operate to prevent the said articles from taking full effect, shall so far as they so operate be suspended and have no effect during the period mentioned in the article numbered thirty-three in the Schedule to this Act.

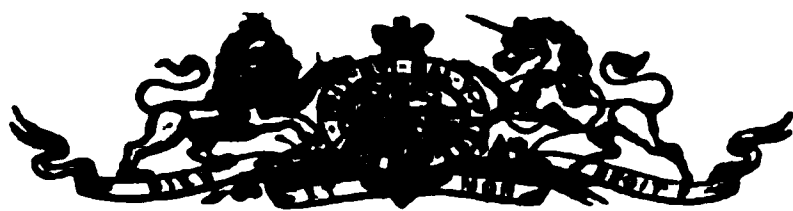
Provision for
extension of
articles to
Newfoundland

2. Whenever the necessary laws have been passed by the Legislature of Newfoundland and approved by Her Majesty for carrying into operation the articles in the Schedule to this Act, so far as they relate to Newfoundland, it shall be lawful for the Officer administering the Government of Newfoundland at any time during the suspension, in pursuance of this Act, of the above-mentioned Acts of Parliament, and laws by his proclamation to declare that after a time fixed in such proclamation for that purpose, this Act and the articles in the Schedule to this Act shall extend, and the same accordingly shall extend to Newfoundland so far as they are applicable thereto.

Short Title.

3. This Act may be cited as "*The Treaty of Washington Act, 1872.*"

(NOTE.—For Schedule, see *Treaty of Washington* in *Vol. of Statutes of Canada*, 35 *Vict.*, A.D. 1872.)



36 and 37 VICTORIA.

CHAP. XLV.

An Act to authorize the Commissioners of Her Majesty's A. D. 1873.

Treasury to guarantee the payment of a loan to be raised by the Government of Canada for the construction of public works in that country, and to repeal the Canada Defences Loan Act, 1870.

[21st July, 1873.]

WHEREAS one of the terms and conditions on which the Colony of British Columbia was admitted into union with the Dominion of Canada, by an Order in Council of the sixteenth day of May, one thousand eight and seventy-one, was that the Government of the Dominion should secure the construction of a railway (in this Act referred to as the Pacific Railway) to connect the sea-board of British Columbia with the railway system of Canada, in manner more particularly mentioned in the schedules to such Order :

And whereas the Government of the Dominion of Canada propose to raise by way of loan for the purpose of the construction of the Pacific Railway, and also for the improvement and enlargement of the Canadian canals, a sum of money not exceeding eight million pounds :

And whereas by an Act of the Parliament of Canada of the year 1868, chapter forty-one, the Governor in Council was authorized to raise by way of loan upon the guarantee of the Commissioners of Her Majesty's Treasury (in this Act referred to as "the Treasury"), for the purpose of the construction of the fortifications therein mentioned, sums not exceeding one million, one hundred thousand pounds :

And whereas by the Canada Defences Loan Act, 1870, the Treasury were authorized to guarantee the payment of the principal of such loan and of interest thereon at a rate not exceeding four per cent. : ^{33 & 34 Vict. c. 82.}

And whereas no portion of the last-mentioned loan has been raised, and no such guarantee has been given :

And whereas it is expedient to authorize the Treasury to guarantee a portion, not exceeding two millions, five hundred thousand pounds, of such loan of eight million pounds for the above-mentioned purposes, and to guarantee a further portion of the said

Canada Public Works Loan.

loan not exceeding one million, one hundred thousand pounds in substitution for a guarantee of a loan under the Canada Defences Loan Act, 1870 :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

Short title.

1. This Act may be cited as "The Canada (Public Works) Loan Act, 1873."

Power to
Treasury to
guarantee
loan.

2. The Treasury may guarantee in such manner and form and on such conditions as they think fit the payment of the principal of and interest (at a rate not exceeding four per cent. per annum) on all or any part of any loan raised by the Government of Canada for the purpose of the construction of the Pacific Railway, and the improvement and enlargement of the Canadian canals, so that the total amount so guaranteed from time to time do not exceed three million six hundred thousand pounds.

Conditions of
guarantee.

3. The Treasury shall not give any guarantee under this Act unless and until provision is made by an Act of the Parliament of Canada or otherwise to the satisfaction of the Treasury—

(1.) For raising and appropriating the said proposed loan of eight million pounds :

(2.) For charging the consolidated revenue fund of Canada with the payment of the principal and interest of any loan guaranteed by the Treasury under this Act immediately after the charge of the loan for fortifications created by the said Act of the Parliament of Canada of the year one thousand eight hundred and sixty-eight, chapter forty-one :

(3.) For payment by the Government of Canada of a sinking fund at the rate of one per cent. per annum on the entire amount of the loan guaranteed by the Treasury under this Act, and for charging the consolidated revenue fund of Canada with the payment of such sinking fund immediately after the principal and interest of the last mentioned loan :

(4.) For charging the consolidated revenue fund of Canada with any sum issued out of the Consolidated Fund of the United Kingdom under this Act with interest thereon at the rate of five per cent. per annum, immediately after the said sinking fund :

(5.) For the due payment and application of the money raised by any loan guaranteed by the Treasury under this Act in such manner as the Treasury from time to time direct :

Canada Public Works Loan.

(6.) For remitting to the Treasury the annual sums for the sinking fund by equal half-yearly payments, in such manner as they from time to time direct, and for the investment and accumulation thereof under their direction in the names of four trustees nominated from time to time,—two by the Treasury and two by the Government of Canada :

The Treasury may guarantee the loan in such portions as they think fit, and before guaranteeing any portion of the loan after the first, shall satisfy themselves that the portion of the loan previously guaranteed (or an equal amount of any other loan of the Government of Canada), together with an equal amount of that portion of the said loan of eight million pounds which is not guaranteed by the Treasury, has been or is in the course of being spent for the purposes mentioned in this Act.

4. The said sinking fund may be invested only in such securities as the Government of Canada and the Treasury from time to time agree upon, and shall, whether invested or not be applied from time to time, under the direction of the Treasury, in discharging the principal of the loan guaranteed by the Treasury under this Act, and the interest arising from such securities (including the interest accruing in respect of any part of any loan discharged by means of the sinking fund), and the resulting income thereof shall be invested and applied as part of such sinking fund. Application of sinking fund.

5. Every Act passed by the Parliament of Canada which in any way impairs the priority of the charge upon the consolidated revenue fund of Canada created by that Parliament of the loan guaranteed under this Act, and the interest and sinking fund thereof, and the sums paid out of the Consolidated Fund of the United Kingdom and the interest thereon, shall, so far only as it impairs such priority, be void, unless such Act has been reserved for the signification of Her Majesty's pleasure. Alteration of Act relating to guaranteed loan.

6. The Treasury are hereby authorized to cause to be issued from time to time, out of the growing produce of the Consolidated Fund of the United Kingdom, such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act in respect either of principal or interest. Issue out of Consolidated Fund.

7. The Treasury may from time to time certify to one of Her Majesty's Principal Secretaries of State the amount which has been paid out of the Consolidated Fund of the United Kingdom to fulfil the guarantee under this Act, and the date of such payment; such certificate shall be communicated to the Governor of Canada, and shall be conclusive evidence of the amount having been so paid and of the time when the same was so paid. Certificate of amount paid out of Consolidated Fund.

Canada Public Works Loan.

Accounts to
be laid before
Parliament.

8 The Treasury shall cause to be prepared and laid before both Houses of Parliament a statement of any guarantee given under this Act, and an account of all sums issued out of the Consolidated Fund of the United Kingdom for the purposes of this Act, within one month after the same are so given or issued, if Parliament be then sitting, or if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.

Repeal of 33
& 34 Vict.,
c. 82.

9. The Canada Defences Loan Act, 1870, is hereby repealed.

ORDER IN COUNCIL.

PRINCE EDWARD ISLAND.

At the Court at *Windsor*, the 26th day of *June*, 1873.

PRESENT:

The QUEEN'S Most Excellent Majesty.

Lord President.

Earl of Kimberley.

Earl Granville.

Lord Chamberlain.

Mr. Gladstone.

WHEREAS by the "*British North America Act*, 1867," provision was made for the Union of the Provinces of Canada, Nova Scotia and New Brunswick into the Dominion of Canada, and it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, on Addresses from the Houses of the Parliament of Canada, and of the Legislature of the Colony of Prince Edward Island, to admit that Colony into the said Union on such terms and conditions as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act; and it was further enacted that the provisions of any Order in Council in that behalf, should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

And whereas by Addresses from the Houses of the Parliament of Canada, and from the Legislative Council and House of Assembly of Prince Edward Island respectively, of which Addresses, copies are contained in the Schedule to this Order annexed, Her Majesty was prayed, by and with the advice of Her Most Honorable Privy Council, under the one hundred and forty-sixth section of the hereinbefore recited Act, to admit Prince Edward Island into the Dominion of Canada, on the terms and conditions set forth in the said Addresses.

And whereas Her Majesty has thought fit to approve of the said terms and conditions, it is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty, by the said Act of Parliament, that from and after the first day of July, one thousand eight hundred and seventy three, the said Colony of Prince Edward Island shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited Addresses.

Prince Edward Island.

And in accordance with the terms of the said Addresses relating to the Electoral Districts for which, the time within which, and the laws and provisions under which the first election of members to serve in the House of Commons of Canada, for such Electoral Districts shall be held, it is hereby further ordered and declared that "Prince County" shall constitute one district, to be designated "Prince County District," and return two members; that "Queen's County" shall constitute one district, to be designated "Queen's County District," and return two members; that "King's County" shall constitute one district, to be designated "King's County District," and return two members; that the election of members to serve in the House of Commons of Canada, for such Electoral Districts shall be held within three calendar months from the day of the admission of the said Island into the Union or Dominion of Canada; that all laws which at the date of this Order in Council relating to the qualification of any person to be elected or sit or vote as a member of the House of Assembly of the said Island, and relating to the qualifications or disqualifications of voters, and to the oaths to be taken by voters, and to Returning Officers and Poll Clerks, and their powers and duties, and relating to Polling Divisions within the said Island, and relating to the proceedings at elections, and to the period during which such elections may be continued, and relating to the trial of controverted elections, and the proceedings incidental thereto, and relating to the vacating of seats of the members, and to the execution of new writs, in case of any seat being vacated otherwise than by a dissolution, and to all other matters connected with or incidental to elections of members to serve in the House of Assembly of the said Island, shall apply to elections of members to serve in the House of Commons for the Electoral Districts situate in the said Island of Prince Edward.

And the Right Honorable Earl of Kimberley, one of Her Majesty's Principal Secretaries of State is to give the necessary directions herein, accordingly.

ARTHUR HELPS

SCHEDULE.

To the QUEEN'S Most Excellent Majesty

Most Gracious Sovereign,

We, Your Majesty's most dutiful and royal subjects, the Commons of the Dominion of Canada in Parliament assembled, humbly approach Your Majesty for the purpose of representing:—

That during the present Session of Parliament we have taken into consideration the subject of the admission of the Colony of Prince Edward Island into the Union or Dominion of Canada, and have resolved that it is expedient that such admission should be effected at as early a date as may be found practicable, under the one hundred and forty-sixth section of the "*British North America Act 1867*," on the conditions hereinafter set forth, which having been agreed upon with the Delegates from the said Colony; that is to say:—

That

Prince Edward Island.

That Canada shall be liable for the debts and liabilities of Prince Edward Island at the time of the Union ;

That in consideration of the large expenditure authorized by the Parliament of Canada for the construction of railways and canals, and in view of the possibility of a re-adjustment of the financial arrangements between Canada and the several Provinces now embraced in the Dominion, as well as the isolated and exceptional condition of Prince Edward Island, that Colony shall, on entering the Union, be entitled to incur a debt equal to fifty dollars per head of its population, as shewn by the Census Returns of 1871, that is to say : four millions seven hundred and one thousand and fifty dollars ;

That Prince Edward Island not having incurred debts equal to the sum mentioned in the next preceding Resolution, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent. per annum on the difference, from time to time, between the actual amount of its indebtedness and the amount of indebtedness authorized as aforesaid, viz., four millions seven hundred and one thousand and fifty dollars ;

That Prince Edward Island shall be liable to Canada for the amount (if any) by which its public debt and liabilities at the date of the Union, may exceed four millions seven hundred and one thousand and fifty dollars and shall be chargeable with interest at the rate of five per cent. per annum on such excess ;

That as the Government of Prince Edward Island holds no lands from the Crown, and consequently enjoys no revenue from that source for the construction and maintenance of local works, the Dominion Government shall pay by half-yearly instalments, in advance, to the Government of Prince Edward Island, forty-five thousand dollars per annum, less interest at five per cent. per annum, upon any sum not exceeding eight hundred thousand dollars which the Dominion Government may advance to the Prince Edward Island Government for the purchase of lands now held by large proprietors ;

That in consideration of the transfer to the Parliament of Canada of the powers of taxation, the following sums shall be paid yearly by Canada to Prince Edward Island, for the support of its Government and Legislature, that is to say, thirty thousand dollars, and an annual grant equal to eighty cents per head of its population, as shown by the Census returns of 1871, viz., 94,021, both by half-yearly payments in advance—such grant of eighty cents per head to be augmented in proportion to the increase of population of the Island as may be shown by each subsequent decennial Census, until the population amounts to four hundred thousand, at which rate such grant shall thereafter remain it being understood that the next Census shall be taken in the year 1881 ;

That the Dominion Government shall assume and defray all the charges for the following services, viz :—

The salary of the Lieutenant Governor ;

The salaries of the Judges of the Superior Court and of the District or County Courts when established ;

The

ORDER IN COUNCIL.

Prince Edward Island.

The charges in respect of the Department of Customs ;

The Postal Department ;

The protection of the Fisheries ;

The provision for the Militia ;

The Lighthouses, Shipwrecked Crews, Quarantine and Marine Hospitals ;

The Geological Survey ;

The Penitentiary ;

Efficient Steam Service for the conveyance of mails and passengers, to be established and maintained between the Island and the mainland of the Dominion, Winter and Summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion ;

The maintenance of telegraphic communication between the Island and the mainland of the Dominion ;

And such other charges as may be incident to, and connected with, the services which by the "*British North America Act, 1867*," appertain to the General Government, and as are or may be allowed to the other Provinces ;

That the railways under contract and in course of construction for the Government of the Island, shall be the property of Canada ;

That the new building in which are held the Law Courts, Registry Office, &c., shall be transferred to Canada, on the payment of sixty-nine thousand dollars. The purchase to include the land on which the building stands, and a suitable space of ground in addition, for yard room, &c. ;

That the Steam Dredge Boat in course of construction, shall be taken by the Dominion, at a cost not exceeding twenty-two thousand dollars ;

That the Steam Ferry Boat owned by the Government of the Island, and used as such, shall remain the property of the Island ;

That the population of Prince Edward Island having been increased by fifteen thousand or upwards since the year 1861, the Island shall be represented in the House of Commons of Canada by six Members ; the representation to be readjusted, from time to time, under the provisions of the "*British North America Act, 1867* ;"

That the constitution of the Executive Authority and of the Legislature of Prince Edward Island, shall, subject to the provisions of the "*British North America Act, 1867*," continue, as at the time of the Union, until altered under the authority

Prince Edward Island.

authority of the said Act, and the House of Assembly of Prince Edward Island existing at the date of the Union shall, unless sooner dissolved, continue for the period for which it was elected ;

That the Provisions in the "*British North America Act, 1867*," shall, except those parts thereof which are in terms made, or by reasonable intendment, may be held to be especially applicable to, and only to affect one and not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by these resolutions, be applicable to Prince Edward Island, in the same way and to the same extent as they apply to the other Provinces of the Dominion, and as if the Colony of Prince Edward Island had been one of the Provinces originally united by the said Act.

That the Union shall take place on such day as Her Majesty may direct by Order in Council, on Addresses to that effect from the Houses of the Parliament of Canada and of the Legislature of the Colony of Prince Edward Island, under the one hundred and forty-sixth section of the "*British North America Act, 1867*," and that the Electoral Districts for which, the time within which, and the laws and provisions under which, the first Election of Members to serve in the House of Commons of Canada for such Electoral Districts shall be held, shall be such as the said Houses of the Legislature of the said Colony of Prince Edward Island may specify in their said Addresses.

We, therefore, humbly pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the "*British North America Act, 1867*," to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions hereinbefore set forth.

(Signed) JAMES COCKBURN,

Speaker.

House of Commons,
20th May 1873.

To the QUEEN'S Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Senate of the Dominion of Canada in Parliament assembled, humbly approach Your Majesty for the purpose of representing :—

That on the sixteenth day of May, instant, His Excellency the Governor General transmitted for our information a copy of the minutes of a Conference between a Committee of the Privy Council of Canada and certain Delegates from the Colony of Prince Edward Island, on the subject of the Union of the said Colony with the Dominion of Canada, and of the Resolutions adopted by them, as the basis of such Union, which are in the following words, that is to say :—

That

Prince Edward Island.

That Canada shall be liable for the debts and liabilities of Prince Edward Island, at the time of the Union ;

That in consideration of the large expenditure authorized by the Parliament of Canada, for the construction of railways and canals, and in view of the possibility of a re-adjustment of the financial arrangements between Canada and the several Provinces now embraced in the Dominion, as well as the isolated and exceptional condition of Prince Edward Island, that Colony shall, on entering the Union, be entitled to incur a debt equal to fifty dollars per head of its population, as shown by the Census Returns of 1871, that is to say : four millions seven hundred and one thousand and fifty dollars ;

That Prince Edward Island, not having incurred debts equal to the sum mentioned in the next preceding Resolution, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent. per annum on the difference, from time to time, between the actual amount of its indebtedness and the amount of indebtedness authorized as aforesaid, viz. : four millions seven hundred and one thousand and fifty dollars ;

That Prince Edward Island shall be liable to Canada for the amount (if any) by which its public debt and liabilities at the date of the Union, may exceed four millions seven hundred and one thousand and fifty dollars, and shall be chargeable with interest at the rate of five per cent. per annum on such excess ;

That as the Government of Prince Edward Island holds no lands from the Crown, and consequently enjoys no revenue from that source for the construction and maintenance of local works, the Dominion Government shall pay, by half-yearly instalments, in advance, to the Government of Prince Edward Island, forty-five thousand dollars per annum, less interest at five per cent. per annum, upon any sum not exceeding eight hundred thousand dollars which the Dominion Government may advance to the Prince Edward Island Government for the purchase of lands now held by large proprietors ;

That in consideration of the transfer to the Parliament of Canada of the powers of taxation, the following sums shall be paid yearly by Canada to Prince Edward Island for the support of its Government and Legislature—that is to say : thirty thousand dollars, and an annual grant equal to eighty cents per head of its population as shown by the Census returns of 1871, viz., 94,021, both by half-yearly payments in advance,—such grant of eighty cents per head to be augmented in proportion to the increase of population of the Island, as may be shown by each subsequent decennial Census, until the population amounts to four hundred thousand, at which rate such grants shall thereafter remain, it being understood that the next Census shall be taken in the year 1881 ;

That the Dominion Government shall assume and defray all the charges for the following services, viz. :—

The salary of the Lieutenant Governor ;

The salaries of the Judges of the Superior Court and of the District or County

Prince Edward Island.

County Courts when established ;

The charges in respect of the Department of Customs ;

The Postal Department ;

The protection of the Fisheries ;

The provision for the Militia ;

The Lighthouses, Shipwrecked Crews, Quarantine and Marine Hospitals ;

The Geological Survey ;

The Penitentiary ;

Efficient steam service for the conveyance of mails and passengers, to be established and maintained between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion ;

The maintenance of telegraphic communication between the Island and the mainland of the Dominion ;

And such other charges as may be incident to and connected with the services which, by the "*British North America Act, 1867*," appertain to the General Government, and as are or may be allowed to the other Provinces ;

That the railways under contract and in course of construction for the Government of the Island shall be the property of Canada ;

That the new building, in which are held the Law Courts, Registry Office, etc., shall be transferred to Canada, on the payment of sixty-nine thousand dollars. The purchase to include the land on which the building stands, and a suitable space of ground in addition, for yard room, &c. ;

That the Steam Dredge Boat in course of construction shall be taken by the Dominion, at a cost not exceeding twenty-two thousand dollars ;

That the Steam Ferry Boat owned by the Government of the Island, and used as such, shall remain the property of the Island ;

That the population of Prince Edward Island having been increased by fifteen thousand or upwards since the year 1861, the Island shall be represented in the House of Commons of Canada by six members ; the representation to be re-adjusted, from time to time, under the provisions of the "*British North America Act, 1867* ;"

That the constitution of the Executive Authority and of the Legislature of Prince Edward Island shall, subject to the provisions of the "*British North America*

Prince Edward Island.

America Act, 1867," continue as at the time of the Union, until altered under the authority of the said Act; and the House of Assembly of Prince Edward Island existing at the date of the Union, shall, unless sooner dissolved, continue for the period for which it was elected;

That the provisions in the "*British North America Act, 1867,*" shall, except those parts thereof which are in terms made, or by reasonable intendment, may be held to be specially applicable to, and only to affect one and not the whole of the Province, now composing the Dominion, and except so far as the same may be varied by these resolutions, be applicable to Prince Edward Island in the same way and to the same extent as they apply to the other Provinces of the Dominion, and as if the Colony of Prince Edward Island had been one of the Provinces originally united by the said Act;

That the Union shall take place on such day as Her Majesty may direct by Order in Council on Addresses to that effect from the Houses of the Parliament of Canada and of the Legislature of the Colony of Prince Edward Island, under the one hundred and forty-sixth section of the "*British North America Act, 1867,*" and that the Electoral Districts for which, the time within which, and the laws and provisions under which, the first Election of Members to serve in the House of Commons of Canada for such Electoral Districts shall be held, shall be such as the said Houses of the Legislature of the said Colony of Prince Edward Island may specify in their said Addresses.

The House of Commons having in the present Session of the Parliament of the Dominion passed an Address to your Majesty, praying that your Majesty would be graciously pleased, by and with the advice of your Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the "*British North America Act, 1867,*" to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions set forth in the above-mentioned Resolutions.

Wherefore, we, the Senate of Canada, fully concurring in the terms and conditions expressed in the Address of the House of Commons, humbly pray that your Majesty will be pleased, by and with the advice of your Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the "*British North America Act, 1867,*" to admit Prince Edward Island into the Dominion of Canada.

(Signed) P. J. O. CHAUVEAU,

Speaker of the Senate.

The Senate, May 21, 1873.

To the QUEEN'S Most Excellent Majesty.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Legislative Council
of

Prince Edward Island.

of Prince Edward Island, in Parliament assembled, humbly approach your Majesty, and pray that your Majesty will be graciously pleased, by and with the advice of your Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the "*British North America Act, 1867*," to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions expressed in certain Resolutions recently passed by Houses of the Parliament of Canada, and also by the Houses of the Legislature of Prince Edward Island, which said Resolutions are as follows:—

1. That Canada shall be liable for the debts and liabilities of Prince Edward Island at the time of the Union ;

2. That in consideration of the large expenditure authorized by the Parliament of Canada for the construction of railways and canals, and in view of the possibility of a re-adjustment of the financial arrangements between Canada and the several Provinces now embraced in the Dominion, as well as the isolated and exceptional condition of Prince Edward Island, that Colony shall, on entering the Union, be entitled to incur a debt equal to fifty dollars per head of its population, as shown by the census returns of 1871,—that is to say : four million seven hundred and one thousand and fifty dollars ;

3. That Prince Edward Island, not having incurred debts equal to the sum mentioned in the next preceding Resolution, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent. per annum on the difference, from time to time, between the actual amount of its indebtedness and the amount of indebtedness authorized as aforesaid—viz., four million seven hundred and one thousand and fifty dollars ;

4. That Prince Edward Island shall be liable to Canada for the amount (if any) by which its public debt and liabilities at the date of the Union, may exceed four millions seven hundred and one thousand and fifty dollars, and shall be chargeable with interest at the rate of five per cent. per annum on such excess ;

5. That as the Government of Prince Edward Island holds no lands from the Crown, and consequently enjoys no revenue from that source for the construction and maintenance of local works, the Dominion Government shall pay, by half-yearly instalments, in advance, to the Government of Prince Edward Island, forty-five thousand dollars per annum, less interest at five per cent. per annum, upon any sum not exceeding eight hundred thousand dollars, which the Dominion Government may advance to the Prince Edward Island Government for the purchase of lands now held by large proprietors ;

6. That in consideration of the transfer to the Parliament of Canada of the powers of taxation, the following sums shall be paid yearly by Canada to Prince Edwards Island, for the support of its Government and Legislature, that is to say : thirty thousand dollars, and an annual grant equal to eighty cents per head of its population, as shown by the Census returns of 1871, viz., 94,021, both by half-yearly payments in advance—such grant of eighty cents per head to be augmented in proportion to the increase of population of the Island as may be shown by each

Prince Edward Island.

each subsequent decennial Census, until the population amounts to four hundred thousand, at which rate such grant shall thereafter remain, it being understood that the next Census shall be taken in the year 1881;

7. That the Dominion Government shall assume and defray all the charges for the following services, viz :—

A. The salary of the Lieutenant Governor;

B. The salaries of the Judges of the Superior Court and of the District or County Courts when established;

C. The Charges in respect of the Department of Customs ;

D. The Postal Department ;

E. The protection of the Fisheries ;

F. The provision for the Militia ;

G. The Lighthouses, Shipwrecked Crews, Quarantine and Marine Hospitals

H. The Geological Survey ;

I. The Penitentiary ;

J. Efficient Steam Service for the conveyance of Mails and passengers, to be established and maintained between the Island and the mainland of the Dominion, Winter and Summer, thus placing the Island in continuous communication with the Intercolonial Railway and railway system of the Dominion ;

K. The maintenance of telegraphic communication between the Island and the mainland of the Dominion. And such other charges as may be incident to and connected with the services which, by the "*British North America Act 1867*," appertain to the General Government, and as are or may be allowed to the other Provinces ;

8. That the Railways under contract and in course of construction for the Government of the Island, shall be the property of Canada ;

9. That the new building in which are held the Law Courts, Registry Office, etc., shall be transferred to Canada, on the payment of sixty-nine thousand dollars. The purchase to include the land on which the building stands, and a suitable space of ground in addition, for yard room, &c.;

10. That the Steam Dredge Boat in course of construction, shall be taken by the Dominion, at a cost not exceeding twenty-two thousand dollars ;

11. That the Steam Ferry Boat owned by the Government of the Island, and used as such, shall remain the property of the Island ;

Prince Edward Island.

12. That the population of Prince Edward Island, having been increased by fifteen thousand or upwards since the year 1861, the Island shall be represented in the House of Commons of Canada by six members; the representation to be re-adjusted, from time to time, under the provisions of the "*British North America Act, 1867*;"

13. That the constitution of the Executive Authority and of the Legislature of Prince Edward Island, shall, subject to the provisions of the "*British North America Act, 1867*," continue as at the time of the Union, until altered under the authority of the said Act, and the House of Assembly of Prince Edward Island existing at the date of the Union, shall, unless sooner dissolved, continue for the period for which it was elected;

14. That the provisions in the "*British North America Act, 1867*," shall, except those parts thereof which are in terms made, or by reasonable intendment may be held to be specially applicable to, and only to affect one and not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by these Resolutions, be applicable to Prince Edward Island, in the same way and to the same extent as they apply to the other Provinces of the Dominion, and as if the Colony of Prince Edward Island had been one of the Provinces originally united by the said Act;

15. That the Union shall take place on such day as Her Majesty may direct by Order in Council, on Addresses to that effect from the Houses of the Parliament of Canada and of the Legislature of the Colony of Prince Edward Island, under the one hundred and forty-sixth section of the "*British North America*

Act, 1867," and that the Electoral Districts for which, the time within which, and the laws and provisions under which, the first Election of Members to serve in the House of Commons of Canada for such Electoral Districts shall be held; shall be such as the said Houses of the Legislature of the said Colony of Prince Edward Island may specify in their said Addresses;

That for the first election of members to be returned by this Island for the House of Commons of the Dominion of Canada, this Island shall be divided into Electoral Districts as follows:—That "Prince County" shall constitute one district and return two members; that "Queen's County" shall constitute one district, and return two members; that "King's County" shall constitute one district, and return two members; that the first election for members to serve in the House of Commons of Canada, shall take place within three calendar months after this Island shall be admitted, and become part of the Dominion of Canada; and we further humbly pray, that all laws which at the date of the Order in Council, by which the said Island of Prince Edward shall be admitted into the Dominion of Canada, relating to the qualification of any person to be elected to sit or vote as a member of the House of Assembly of the said Island, and relating to the qualifications or disqualifications of voters, and to the oaths to be taken by voters, and to returning officers and poll clerks, and their powers and duties, and relating to polling divisions within the said Island, and relating to the proceedings at elections, and to the period during which such election may be continued, and relating to the trial of controverted elections and the proceedings incident thereto,

Prince Edward Island.

thereto, and relating to the vacating of seats of members, and to the execution of new writs, in case of any seat being vacated otherwise than by a dissolution, and all other matters connected with or incidental to elections of members to serve in the House of Assembly of the said Island, shall apply to elections of members to serve in the House of Commons for the Electoral Districts, situate in the said Island of Prince Edward.

(Signed) DONALD MONTGOMERY,

President.

Committee Room, Legislative Council,
May 28, 1873.

To the QUEEN'S Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the House of Assembly of Prince Edward Island in Parliament assembled, humbly approach Your Majesty, and pray that Your Majesty will be graciously pleased, by and with the advice of Your Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of the "*British North America Act, 1867*," to admit Prince Edward Island into the Union or Dominion of Canada, on the terms and conditions expressed in certain Resolutions recently passed by the Houses of the Parliament of Canada, and also by the Houses of the Legislature of Prince Edward Island, which said Resolutions are as follows:

1. That Canada shall be liable for the debts and liabilities of Prince Edward Island at the time of the Union;

2. That in consideration of the large expenditure authorized by the Parliament of Canada, for the construction of railways and canals, and in view of the possibility of a re-adjustment of the financial arrangements between Canada and the several Provinces now embraced in the Dominion, as well as the isolated and exceptional condition of Prince Edward Island, that colony shall, on entering the Union, be entitled to incur a debt equal to fifty dollars per head of its population, as shown by the Census Returns of 1871, that is to say: four millions seven hundred and one thousand and fifty dollars;

3. That Prince Edward Island not having incurred debts equal to the sum mentioned in the next preceding Resolution, shall be entitled to receive, by half-yearly payments, in advance, from the General Government, interest at the rate of five per cent. per annum on the difference, from time to time, between the actual amount of its indebtedness and the amount of indebtedness authorised as aforesaid, viz.: four millions seven hundred and one thousand and fifty dollars;

4. That Prince Edward Island shall be liable to Canada for the amount (if any) by which its public debt and liabilities at the date of the Union, may exceed
four

Prince Edward Island.

four millions seven hundred and one thousand and fifty dollars, and shall be chargeable with interest at the rate of five per cent. per annum on such excess,

5. That as the Government of Prince Edward Island holds no lands from the Crown, and consequently enjoys no revenue from that source for the construction and maintenance of local works, the Dominion Government shall pay by half-yearly instalments, in advance, to the Government of Prince Edward Island, forty-five thousand dollars per annum, less interest at five per cent. per annum, upon any sum not exceeding eight hundred thousand dollars, which the Dominion Government may advance to the Prince Edward Island Government for the purchase of lands now held by large proprietors ;

6. That in consideration of the transfer to the Parliament of Canada of the powers of taxation, the following sums shall be paid yearly by Canada to Prince Edward Island, for the support of its Government and Legislature, that is to say : thirty thousand dollars, and an annual grant equal to eighty cents per head of its population, as shown by the Census Returns of 1871, viz., 94,021, both by half-yearly payments in advance—such grant of eighty cents per head to be augmented in proportion to the increase of population of the Island, as may be shown by each subsequent decennial Census, until the population amounts to four hundred thousand, at which rate such grant shall thereafter remain, it being understood that the next Census shall be taken in the year 1881 ;

7. That the Dominion Government shall assume and defray all the charges for the following services, viz. :—

A. The salary of the Lieutenant Governor ;

B. The salaries of the Judges of the Superior Courts and of the District or County Courts when established ;

C. The charges in respect of the Department of Customs ;

D. The Postal Department ;

E. The protection of the Fisheries ;

F. The provision for the Militia ;

G. The Lighthouses, Shipwrecked Crews, Quarantine and Marine Hospitals

H. The Geological Survey ;

I. The Penitentiary ;

J. Efficient Steam Service for the conveyance of mails and passengers, to be established and maintained between the Island and the mainland of the Dominion, winter and summer, thus placing the Island in continuous communication with the Intercolonial Railway and the railway system of the Dominion ;

Prince Edward Island.

K. The maintenance of telegraphic communication between the Island and the mainland of the Dominion. And such other charges as may be incident to and connected with the services which, by the "*British North America Act, 1867*," appertain to the General Government, and as are or may be allowed to the other Provinces ;

8. That the Railways under contract and in course of construction for the Government of the Island, shall be the property of Canada ;

9. That the new building in which are held the Law Courts, Registry Office, etc., shall be transferred to Canada, on the payment of sixty-nine thousand dollars. The purchase to include the land on which the building stands, and a suitable space of ground in addition, for yard room, etc. ;

10. That the Steam Dredge Boat in course of construction, shall be taken by the Dominion, at a cost not exceeding twenty-two thousand dollars ;

11. That the Steam Ferry Boat owned by the Government of the Island, and used as such, shall remain the property of the Island ;

12. That the population of Prince Edward Island having been increased by fifteen thousand or upwards since the year 1861, the Island shall be represented in the House of Commons of Canada by six members ; the representation to be re-adjusted from time to time under the provisions of the "*British North America Act, 1867* ;"

13. That the constitution of the Executive Authority and of the Legislature of Prince Edward Island, shall, subject to the provisions of the "*British North America Act, 1867*," continue as at the time of the Union, until altered under the authority of the said Act, and the House of Assembly of Prince Edward Island existing at the date of the Union, shall, unless sooner dissolved, continue for the period for which it was elected ;

14. That the provisions in the "*British North America Act, 1867*," shall, except those parts thereof which are in terms made, or by reasonable intendment may be held, to be specially applicable to, and only to affect one and not the whole of the Provinces now composing the Dominion, and except so far as the same may be varied by these resolutions, be applicable to Prince Edward Island, in the same way and to the same extent as they apply to the other Provinces of the Dominion, and as if the Colony of Prince Edward Island had been one of the Provinces originally united by the said Act ;

15. That the Union shall take place on such day as Her Majesty may direct by Order in Council, on Addresses to that effect from the Houses of the Parliament of Canada, and of the Legislature of the Colony of Prince Edward Island, under the one hundred and forty-sixth section of the "*British North America Act, 1867*," and that the Electoral Districts for which, the time within which, and the laws and provisions under which, the first election of members to serve in the House of Commons of Canada for such Electoral Districts shall be held, shall be

such

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such as the said Houses of the Legislature of the said Colony of Prince Edward Island may specify in their said Addresses.

That for the first election of members to be returned by this Island for the House of Commons of the Dominion of Canada, this Island shall be divided into Electoral Districts as follows :—That “ Prince County ” shall constitute one district, and return two members ; that “ Queen’s County ” shall constitute one district, and return two members ; that “ King’s County ” shall constitute one district, and return two members ; that the first election for members to serve in the House of Commons of Canada, shall take place within three calendar months after this Island shall be admitted and become part of the Dominion of Canada ; and we further humbly pray that all laws which at the date of the Order in Council by which the said Island of Prince Edward shall be admitted into the Dominion of Canada, relating to the qualification of any person to be elected to sit or vote as a member of the House of Assembly of the said Island, and relating to the qualifications or disqualifications of voters, and to the oaths to be taken by voters, and to returning officers and poll clerks, and their powers and duties, and relating to polling divisions within the said Island, and relating to the proceedings at elections, and to the period during which such election may be continued, and relating to the trial of controverted elections and the proceedings incident thereto, and relating to the vacating of seats of members, and to the execution of new writs, in case of any seat being vacated otherwise than by a dissolution, and all other matters connected with or incidental to elections of members to serve in the House of Assembly of the said Island, shall apply to elections of members to serve in the House of Commons for the Electoral Districts, situate in the said Island of Prince Edward.

(Signed)

STANISLAUS F. PERRY,

Speaker.

House of Assembly, May 28, 1873.

ACTS
OF THE PARLIAMENT
OF THE
DOMINION OF CANADA,

PASSED IN THE
THIRTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA;

AND IN THE
FIRST SESSION OF THE SECOND PARLIAMENT,

*Began and holden at Ottawa, on the fifth day of March, and closed by Prorogation
on the thirteenth day of August, 1873.*



HIS EXCELLENCY
THE RIGHT HONOURABLE, SIR FREDERICK TEMPLE, EARL OF DUFFERIN,
GOVERNOR GENERAL.

OTTAWA:

PRINTED BY BROWN CHAMBERLIN,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1873.



CHAPTER I.*

An Act to provide for the examination of witnesses on Oath by Committees of the Senate and House of Commons, in certain cases.

[Assented to 3rd May, 1873.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Whenever any witness or witnesses is or are to be examined by any Committee of the Senate or House of Commons, and the Senate or House of Commons shall have resolved that it is desirable that such witness or witnesses shall be examined upon oath, such witness or witnesses shall be examined upon oath, or affirmation, where affirmation is allowed by law. Examination on oath.
2. Such oath or affirmation shall be administered by the chairman or any member of any such Committee as aforesaid. How administered.
3. Any witness giving false evidence upon any such examination, shall be subject and liable to all the pains and penalties of perjury, as fixed by the criminal law. Perjury.
4. The oath or affirmation aforesaid shall be in the following form: "The evidence you shall give on this examination shall be the truth, the whole truth, and nothing but the truth. So help you God." Form of oath.

* Disallowed by Her Majesty.—See Proclamation of 1st July, 1873.

CHAP. 2.

An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada.

[Assented to 3rd May, 1873.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Members of a Provincial Legislature not eligible as Members of the House of Commons. Election to be void.

1. After the dissolution of the present Parliament of Canada, no person who is a Member of any Legislative Council or of any Legislative Assembly of any Province now included, or which may hereafter be included within the Dominion of Canada, shall be eligible as a Member of the House of Commons, or shall be capable of sitting or voting in the same; and if any one so declared ineligible is, nevertheless, elected and returned as a Member of the said House of Commons, his election shall be null and void.

A Member of the House of Commons elected to or appointed to a seat in a Provincial Legislature and accepting it, to vacate his seat in the Commons. Proviso, as to Members elected or appointed without their knowledge.

2. If any Member of the House of Commons shall be elected and returned to any Legislative Assembly, or shall be elected or appointed a Member of any Legislative Council, and accept the seat, his election as a Member of the House of Commons shall thereupon become null and void, and his seat shall be vacated, and a new writ shall issue forthwith for a new election, as if he were naturally dead: Provided always, that any Member of the House of Commons, so elected or appointed without his knowledge or consent, and who, without taking his seat in the Provincial Legislature, within ten days after having been notified of his election, or if he is not within the Province at the time, then within ten days after his arrival within the Province, resigns his seat and notifies the Speaker of the House of Commons, he shall hold his seat in the House of Commons as if no election or appointment to a seat in a Provincial Legislature had been made.

Penalty on persons hereby declared ineligible, sitting and voting in the House of Commons.

3. If any person who is made by this Act ineligible as a Member of the House of Commons, or incapable of sitting or voting therein, does, nevertheless, so sit or vote, he shall forfeit the sum of two thousand dollars for every day he sits or votes, and such sum may be recovered from him by any person who will sue for the same, by action in any form allowed by the law of procedure in the Province in which the action is brought, in any court having jurisdiction.

Act to apply to elections held after its passing.

4. This Act shall apply to any election of a Member of the House of Commons which may take place after the passing thereof, during the continuance of the present Parliament, and to any member elected thereat.

CHAP.

CHAP. 3.

An Act to amend the Act respecting Procedure in Criminal Cases.

[Assented to 3rd May, 1873.]

HER MAJESTY, by and with the advice and consent of Preamble.
the Senate and House of Commons of Canada, enacts as follows :—

1. So much of the one hundredth and seventh section of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled; "*An Act respecting procedure in criminal cases, and other matters relating to criminal law*," as is in the words following :—" it shall not be necessary for the Judge before whom such prisoner has been convicted, to make any report of the case previously to the sentence being carried into execution ; but " are hereby repealed and the following words are substituted for them—" the Judge, before whom such prisoner has been convicted shall forthwith make a report of the case to the Secretary of State of Canada for the information of the Governor ; and the day to be appointed for carrying the sentence into execution shall be such as, in the opinion of the Judge, will allow sufficient time for the signification of the Governor's pleasure before such day, and "—which words, so substituted, shall form part of the said section in the place and stead of those hereby repealed.

Sec. 107 of 32
33 V., c. 29,
amended.

Words re-
pealed.

Words substi-
tuted.

2. The fifth section of chapter one hundred and thirteen of the Consolidated Statutes for Upper Canada, intituled "*An Act respecting new trials and appeals and Writs of Error in Criminal cases in Upper Canada*," is hereby repealed.

Sec. 5 of cap.
113, Con. Sta-
tutes for U.C.
repealed.

CHAP. 4.

An Act to provide for the establishment of "*The Department of the Interior*."

[Assented to 3rd May, 1873.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. There shall be a Department of the Civil Service of Canada to be called "*The Department of the Interior*," over which the Minister of the Interior, for the time being, appointed by the Governor General, by Commission under the Great Seal of Canada, shall preside ; and he shall hold office during pleasure, and shall have the management of the Department of the Interior.

Department of
the Interior.

CHAP. 5.

An Act to amend the Act intituled: An Act to make further provision for the Government of the North West Territories.

[Assented to 3rd May, 1873.]

Preamble.

34 Vic. c. 16,
s. 3 cited.

WHEREAS under the third section of Chapter sixteen of the Acts passed in the thirty-fourth year of Her Majesty's Reign, the Governor by and with the advice of the Privy Council, hath by warrant under his sign manual constituted and appointed a Council of eleven persons to aid the Lieutenant Governor in the administration of the affairs of the North West Territories, with certain powers which have been defined by an Order in Council in that behalf; and whereas it will become necessary, from time to time, to make similar appointments, and power for that purpose is not given in the said Act;

Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Power to appoint council-
ors from time
to time.

1. The Governor may with the advice of the Privy Council, from time to time, constitute and appoint by warrant under his sign manual such and so many persons not exceeding at any one time twenty-one nor less than seven, to be members of the Council to aid the Lieutenant Governor in the administration of the affairs of the North West Territories with such powers as may be, from time to time, conferred upon them by Order in Council.

CHAP. 6.

An Act respecting claims to lands in Manitoba for which no Patents have issued.

[Assented to 3rd May, 1873.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commission-
ers may be ap-
pointed, and

1. The Governor may, from time to time, issue such and so many Commissions, under the Great Seal, to the Chief Justice and the Puisne Judges of the Court of Queen's Bench of Manitoba, and such other persons as he shall see fit, empowering them, or any three of them, of whom the said Chief Justice or one of the Puisne Judges shall be one, to ascertain and declare in all cases brought before them under the provisions of this Act, who is the person to whom the patent ought to issue for the lands to which the claims shall respectively relate.

for what
purpose.

Sittings of
Commis-
sioners.

2. The sittings of the Commissioners shall be held at the time and place of the sittings of the County Court in each of the Counties in Manitoba; and may continue from day to day, as long

as any business is before them, during the period occupied by the sittings of the County Court, and such additional period not exceeding five days, as the Commissioners or a majority of them may decide.

3. The Clerk of the County Court of each County in Manitoba shall be the Clerk of the said Commissioners. Clerk of Com.
missioners.

4. Every person claiming any lands within Manitoba, for which no patent has issued, as being entitled thereto,— Persons claim-
ing unpatent-
ed lands, vizt.

1st. As grantee in freehold under a grant made by the Hudson's Bay Company up to the eighth day of March, in the year of Our Lord, one thousand eight hundred and sixty-nine ; Grantee in
freehold H. B.
Company.

2nd. As grantee of an estate less than freehold under a grant made by the Hudson's Bay Company up to the same date ; Grantees of
estates less
than freehold.

3rd. As entitled thereto by occupancy with the sanction, and under the license and authority of the Hudson's Bay Company up to the same day, of land in that part of the Province in which the Indian title has been extinguished ; Occupants
under license.

4th. As having been in peaceable possession of a tract of land at the time of the transfer to Canada in those parts of the Province in which the Indian title has not been extinguished ; Occupants in
peaceable pos-
session.

or the heir, devisee or assignee of any such person, may bring his claim before the said Commissioners either personally or by his agent or attorney, and produce before the said Commissioners all such documents, proofs and evidence as he may have to advance in support of such claim ; and such evidence may be given *viâ voce* before the said Commissioners or by written affidavits or affirmations sworn or affirmed before any one entitled to administer an oath or affirmation where the same is sworn or affirmed. Heirs or
Devisees.

Mode of pro-
cedure.

5. All certificates of the Hudson's Bay Company or of any Chief Factor of the Hudson's Bay Company or of the Clerk of the Executive Council of Manitoba, or copies certified by them respectively, of documents in their custody, shall be received in evidence before the said Commissioners. What shall be
received in
evidence.

6. The said Commissioners may summon before them, by summons under the hand of any one of them, either the claimant or any person interested in the case, or any other person whom they deem it expedient to examine as a witness, or whom they have reason to believe to be in possession of any document by the production of which the ends of justice may be better attained ; and may require such claimant or party, or such witness to submit to such oral examination upon oath, or to answer on oath and to sign his answers to interrogatories or cross interrogatories in writing, or to produce such books, papers or documents in his possession, as to the said Commissioners appear requisite. Who may be
summoned as
witnesses.

Mode of ex-
amination.

On whom interrogatories may be served.

Commissions may be issued for examination of non-residents.

Commissioners not to proceed in the absence of an affidavit that the claim is just.

Proceedings with respect to adverse claims.

Names of claimants and the lands claimed to be conspicuously posted.

List of claims to be made ; how often and by whom.

7. The said Commissioners may cause such interrogatories or cross-interrogatories as they deem requisite to be served upon and answered by any such claimant, party or witness, or any witness whose deposition may be produced in evidence before them ; and may cause commissions to be issued for the examination of any witness not resident in Manitoba, and for requiring such witness to produce such books, papers, or other documents as he may have in his possession ; and may at their discretion delay the proceedings in the case until such evidence and answers have been adduced and given.

8. The said Commissioners shall not receive or proceed upon any claim until the party by whom (or on whose behalf the same is made, or if such party consist of more than one person, then until some one of such persons) has made and produces before the said Commissioners, an affidavit or affirmation in writing signed by him, that such claim is just and well-founded to the best of his knowledge and belief, and that he is not aware of any adverse claim ; or if he is aware of any adverse claim, that he has at least one month before the making of such affidavit or affirmation, caused to be served on the party having, or supposed to have, such adverse claim, notice in writing of his claim and of his intention to bring the same before the said Commissioners, and of the time when it is intended to be so brought ; and a copy of such notice shall be annexed to the affidavit or affirmation.

9. A list of all the lands coming within or believed to come within the purview of this Act, shall be prepared by the Surveyor General of Dominion Lands, and such list shall specify the name or names of the person or persons in possession, together with the number of the section, or part of section, range and number of township of which the lands consists or forms part, or some other adequate description thereof, and of the township or place in which the same lies ; and copies of such list shall be put up in some conspicuous place in the office of the Clerk of the Court of Queen's Bench of Manitoba at Winnipeg, and in the office of the Clerk of each of the County Courts of the Province of Manitoba, and in the office of the Registrar of each of the said counties during at least three months before the claim comes to be heard before the Commissioners ; and such list shall be read in open court every day of the sittings thereof next after the putting up of such list ; and no claim shall be heard by the said Commissioners, unless a certificate of compliance with the provisions of this clause from the Clerk of the Court and Registrar of the County shall be produced to the said Commissioners.

10. The Clerk of the Court of Queen's Bench of Manitoba shall, once in every three months, make a list of the claims so put up, in his office, specifying therein the particulars of such claims in the manner in which they are hereinbefore required to be specified in the notice to be put up ; and shall affix such list in some conspicuous part of the Court House or place in which the courts are held in

Winnipeg

Winnipeg; and shall cause the said list to be publicly read and proclaimed in open court immediately after the delivery of the charge to the Grand Jury; and for each certificate the Clerk of the Court of Queen's Bench may demand and receive the sum of fifty cents, and no more.

To be publicly read.
Fee on each certificate.

11. The said Commissioners may defer, delay or adjourn the proceedings on any claim brought before them, and may give such further or enlarged time for the production of evidence, or for any other purpose relative to such claim, and for the decision thereon, as they may deem expedient for the attainment of the ends of justice.

Commissioners, for cause shewn, may delay proceedings.

12. After the said Commissioners have fully examined any such claim, they may either reject or allow the same as in their judgment the justice and equity of the case requires, without regard to legal forms or to the strict letter of the law, or legal rules of evidence; and shall report their decision to the Governor in Council, and such report shall be final and conclusive (except in the case hereinafter mentioned); and the Governor in Council shall direct Her Majesty's Letters Patent under the Great Seal to issue, for granting the lands in question to the party who has been determined by the decision of the Commissioners to be entitled to the same.

The Commissioners may reject or allow claims.

Their decision final.

Letters Patent to issue thereon.

13. In the event of the Chief Justice or Puisne Judge, forming one of the Commissioners hearing a claim, dissenting from the decision of the majority of the said Commissioners, the party against whom the decision has been made may call for the interposition of the remaining Judges of the Court of Queen's Bench; and the decision shall not have force unless such Court or a majority of the members thereof shall concur therein.

If any Judge dissents from decision.

14. No Letters Patent shall issue on any decision and report of the said Commissioners until after the expiration of three months from the time such report has been transmitted to and marked as received by the Clerk of the Privy Council.

When such Letters Patent shall be issued.

15. If, before the expiration of such three months, a quorum of the said Commissioners, from any representation made to them, find reason to believe that such decision and report were obtained by surprise or erroneously made in any respect, and that justice requires that the issuing of the Letters Patent should be stayed, then such quorum of the said Commissioners, although not then the regular period of their sitting, may report accordingly to the Governor in Council; and issuing of the Letters Patent shall be thereupon stayed until the Commissioners again report upon the case; and the said Commissioners may re-hear the case or let in any new claim, and receive or insist upon any new evidence as to them may appear expedient to enable them to do justice in the case, and may thereafter decide and report thereon as if no prior decision and report had been made, and with like effect.

When the issue of Letters Patent shall be stayed.

The Commissioners may re-hear the case.

Commissioners to make rules with regard to their own proceedings.

16. The Commissioners for the time being may from time to time make and establish such rules and forms, with regard to any proceedings to be had before them, and to such notices, papers and other documents, as may be required in the conduct of such proceedings, as to them appear expedient, for the better attainment of the purposes of justice.

Right to Patent may be transferred and registered.

17. Any person whose right to obtain a patent for lands has been established by any Commissioners under this Act, may, by an instrument in writing, assign, transfer, and convey his right and interest to or in such land; and such assignment, as well as all subsequent assignments, may be registered in the Dominion Lands Office; and the last assignee shall be entitled to a patent upon proving compliance with all the conditions to which the original location was subject.

Proof required in support of claims for Patents, when original nominees are dead.

18. In any application for a patent by the heir, assignee or devisee of the person originally entitled to any land, the Minister charged with the administration of Dominion Lands may receive proof in such manner as he may direct and require in support of the claim for a patent when the original nominee is dead; and upon being satisfied that the claim has been equitably and justly established, he may report the same to the Governor-in-Council, and if approved, the patent may issue to the party named in the Order in Council founded on such report, or to his assignee without the intervention of the said Commissioners; but nothing in this clause contained shall limit the right of the party claiming a patent, to make application at any time to the said Commissioners.

When such patents may be issued.

Claim before commissioners not barred.

CHAP. 7.

An Act to suspend for a limited time the operation of certain Acts relating to the Inspection of Steamboats, in British Columbia.

[Assented to 3rd May, 1873.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Operation of Acts 31 V. c. 65, 32-33 V. c. 39, and part of 35 V. c. 38, suspended until 1st June, 1874, in British Columbia.

1. The operation of the Act passed in the thirty-first year of Her Majesty's reign, and intituled, "*An Act respecting the inspection of Steamboats, and for the greater safety of Passengers by them*," and of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign and intituled "*An Act to amend the Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them*," and of such enactments of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act to extend certain laws relating to*

to matters connected with Navigation to the Province of British Columbia," as extends or applies the Acts firstly and secondly above mentioned, or any part thereof, to the Province of British Columbia, is hereby suspended until the first day of June which will be in the year one thousand eight hundred and seventy-four; until which time the said Acts and enactments shall not apply to the said Province.

CHAP. 8.

An Act with respect to the Carriage of Dangerous Goods in Ships.

[Assented to 3rd May, 1873.]

HER Majesty, by and with the advice and consent of the Preamble. Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited for all purposes as, "The Carriage Short title. of Dangerous Goods Act, 1873."

2. This Act shall come into operation upon, from and after Commence- the day, not being earlier than the first day of January, one ment of Act. thousand eight hundred and seventy-four, appointed for that purpose in any proclamation by the Governor, to the effect that the same has been confirmed and approved by Her Majesty in Council, which day is hereinafter referred to as the commencement of this Act.

3. Upon, from and after the commencement of this Act, Sec. 329 of section three hundred and twenty-nine of the Act of the Parlia- Imperial Act ment of the United Kingdom, passed in the Session thereof, held 17-18 Vic., cap 104 repealed. in the seventeenth and eighteenth years of Her Majesty's reign, chapter one hundred and four, "to amend and consolidate the Acts relating to Merchant Shipping," known as "*The Merchant Shipping Act, 1854*," shall be, and the same is hereby repealed, in so far as the same relates to ships registered in Canada.

4. In this Act, the word "ship" means only vessels used in Interpretation navigation (not propelled exclusively by oars), registered in Canada: "Ship."

The term "ships belonging to Her Majesty," includes ships "Ships be- the cost of which has been defrayed out of the Consolidated long to Her Revenue Fund of Canada, and ships described as the property of Majesty." Canada, by the one hundred and eighth section of "*The British North America Act, 1867* ;"

The word "master," includes every person having command "Master." or charge of any ship.

5. This Act shall not apply to ships belonging to her Majesty. Act not to ap-
6. ships. ply to H.M.

Sending dangerous goods in ships unmarked.

6. If any person sends, or attempts to send by, or not being the master or owner of the ship, carries or attempts to carry in any ship, from any port or place in Canada, any dangerous goods, that is to say, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, naphtha, benzine, lucifer-matches or any other goods of a dangerous nature, without distinctly marking their nature on the outside of the package containing the same, and giving written notice of the nature of such goods, and of the name and address of the sender thereof, to the master or owner of the ship, at or before the time of sending the same to be shipped, or taking the same on board the ship, he shall for every such offence incur a penalty not exceeding five hundred dollars: Provided that if such person show that he was merely an agent in the shipment of any such goods as aforesaid, and was not aware, and did not suspect, and had no reason to suspect that the goods shipped by him were of a dangerous nature, the penalty which he incurs shall not exceed forty dollars.

Penalty.
Proviso.

Sending such good under false description

7. Any person who knowingly sends, or attempts to send by, or carries or attempts to carry in any ship, from any port or place in Canada, any dangerous goods, or goods of a dangerous nature, under a false description, or falsely describes the sender or carrier thereof, shall incur a penalty not exceeding two thousand dollars.

Penalty.

Master may refuse to receive package.

8. The master or owner of any ship may refuse to take on board any package or parcel which he suspects to contain goods of a dangerous nature, and may require it to be opened to ascertain the fact.

Such goods sent on board without notice, may be thrown overboard.

9. Where any dangerous goods, as defined in the sixth section of this Act, or any goods which, in the judgment of the master or owner, are of a dangerous nature, have been sent on board any ship, within the limits of the Dominion of Canada, without being marked, as aforesaid, or without such notice having been given, as aforesaid, the master or owner of such ship may cause such goods to be thrown overboard; and neither the master nor the owner of the ship shall, in respect of such throwing overboard, be subject to any liability, civil or criminal, in any Court in Canada.

Goods may be forfeited by order of Court.

10. Where any dangerous goods have been sent or attempted to be sent, or carried or attempted to be carried, on board any ship, from any port or place in Canada, without being marked as aforesaid, or without such notice having been given as aforesaid, and where any such goods have been sent or attempted to be sent under a false description, or the sender or carrier thereof has been falsely described, it shall be lawful for any court of record or of superior jurisdiction, on application by or on behalf of the owner, charterer or master of the ship, to declare such goods to be, and they shall thereupon be forfeited, and when forfeited shall be disposed of as the Court directs.

CHAP. 9.

An Act to provide for the appointment of Harbor Masters for certain Ports in the Provinces of Nova Scotia and New Brunswick.

[Assented to 3rd May, 1873.]

HER Majesty, by and with the advice and consent of the Preamble, Senate and House of Commons of Canada, enacts as follows:—

1. In the construction, and for the purposes of this Act (if not inconsistent with the context or subject matter), the following terms shall have the respective meanings hereinafter assigned to them, that is to say: Interpretation.

“Ship” shall include every description of vessel used in navigation, not propelled by oars.

“Master” shall include every person (except a pilot) having command or charge of a ship.

“Harbour Master” shall mean a Harbour Master appointed under this Act.

“Port” shall mean a port to which this Act applies.

2. The Governor may from time to time appoint a Governor may fit and proper person to be Harbour Master for any port in the Province of Nova Scotia, or in the Province of New Brunswick to appoint Harbor Masters. which this Act applies.

3. Every Harbour Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom he shall furnish a report in writing and on oath, as soon as possible after the thirty-first day of December in each year, of his doings in office, and of the fees of office received by him during such year. Report by Harbour Masters to Minister of Marine and Fisheries.

4. The rights, powers and duties of the Harbor Master for any port, shall be such as may from time to time be conferred and imposed upon him by rules and regulations made by the Governor in Council for the government of his office and of the port for which he is appointed, and for his remuneration; which rules and regulations the Governor in Council is hereby authorized and empowered to make, and from time to time to alter, amend or repeal; and any such rules and regulations may be so made to apply to any one or more ports to which this Act then applies, or may be afterwards extended by Order in Council to any such port. Regulations by Governor in Council.

5. The Governor in Council may in and by any rule or regulation made under the next preceding section, impose any Regulations may impose penalties, reasonable

reasonable penalty, not exceeding in any case one hundred dollars, for the breach of such rule or regulation, with, in case of a continuing breach, a further penalty, not exceeding in any case ten dollars for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a minimum penalty; and every breach of any such rule or regulation shall be deemed a contravention of this Act, and every such penalty shall be held to be a penalty imposed by this Act.

**Copies to be
furnished to
Pilots.**

6. The Harbour Master for any such port shall furnish copies of the rules and regulations made under the next preceding section, and then in force, to every licensed pilot of the port, who shall give one of such copies to the master of every ship which he shall take in charge.

**Prosecutions
for infraction.**

7. It shall be the duty of the Harbour Master of any such port to prosecute every person violating any rules or regulations made by the Governor in Council under this Act.

**Remuneration
of Harbor
Master.**

8. The Harbour Master for any port shall be remunerated for his services solely by the fees, or the portion hereinafter mentioned of the fees, which he may from time to time be authorized by the rules and regulations, to be made as hereinbefore provided for, to collect, in respect of ships not exempt from the payment thereof as hereinafter mentioned, entering such port, but which shall not at any time exceed the following rates, that is to say :—

Fees.

For every ship of two hundred tons or under, registered tonnage, one dollar.

For every ship of more than two hundred tons, but not more than three hundred tons, registered tonnage, two dollars.

For every ship of more than three hundred tons, but not more than four hundred tons, registered tonnage, three dollars.

For every ship of more than four hundred tons, registered tonnage, four dollars.

Ships engaged in trading between ports and places in the Dominion, or in the fishing trade, shall be exempt from the payment of any fee.

**Salary, how
fixed.**

9. The salary or remuneration of each Harbour Master, appointed under this Act, shall be from time to time fixed by Order of the Governor in Council, but shall not exceed six hundred dollars, and shall be subject to the provisions hereinafter made.

**Balance to be
paid over to
Cons. Rev.
Fund.**

10. The Harbour Master of each port shall pay over as soon as possible after the thirty-first day of December in each year to the Receiver General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for the payment of expenses in connection with the

office

office of Harbour Master and for the improvement of the harbour of the port for which he is appointed, all moneys received by him for fees under this Act during such year, after deducting therefrom the sum allowed him as aforesaid for his own remuneration; and if the moneys received by him for fees in any year amount to a less sum than is so allowed him, then such less sum shall be his remuneration for that year.

11. Such fees as aforesaid shall be payable only once in twelve calendar months, to be reckoned from the day upon which such payment shall be made, on any ship not exceeding one hundred tons, registered tonnage, and not more than twice in any twelve calendar months (to be similarly computed) on any ship exceeding one hundred tons, registered tonnage,—that is to say, on any ship of one hundred tons or under, registered tonnage, the fee shall be payable on her first time of entering any port during any twelve calendar months, but not on any subsequent time of her entering the said port within the twelve calendar months immediately following; and on any ship of more than one hundred tons, registered tonnage, the fee shall be payable on her first time of entering any port during any twelve calendar months, and on her second time of entering the same port within twelve calendar months from the date of her first entering the same, but not on any subsequent time of her entering the same port during the same twelve calendar months.

On what occasion only such fees shall be payable.

12. The Harbour Master of each port shall keep a book in which he shall enter from day to day the name of every ship not exempt from the payment of fees under this Act, entering such port, the name of her master, her registered tonnage, the date of her entering the port, and the sum, if any, received by him for his fee on her entering, under this Act; and such book shall be at all times during office hours open and free for inspection by any person, on demand, without fee or reward.

Book to be kept by Harbour Master.

13. The powers and duties of the Harbour Master of any port appointed under any authority other than this Act, shall cease to be exercised by him, from the time when a Harbour Master appointed under this Act shall come into office at such port; and shall then and thereafter become and be vested in such last-mentioned Harbour Master and his successors in office, in so far and in so far only as they shall not be inconsistent with this Act, or any rule or regulation made under it; and all claims, suits, or proceedings, for penalties incurred or offences committed against law, rule or regulation respecting such port may be continued to judgment and execution as if this Act had not been passed; but all fees and all powers, duties, rules, regulations or provisions of law inconsistent with this Act, or any rule or regulation made under it, by whatsoever authority they may have been given, imposed, or made, shall cease and be of no effect by virtue of such appointment under this Act.

Former Harbour Masters to go out on appointment of others under this Act.

Extent of Act.

14. The foregoing provisions of this Act shall apply to the Provinces of Nova Scotia and New Brunswick only, and to such ports and such ports only in either of the said Provinces as shall from time to time be designated for that purpose by Proclamation, under an Order or Orders of the Governor in Council, except only the Ports of Halifax and Pictou, in Nova Scotia, and the Port of St. John, in New Brunswick, to which the said provisions shall not apply.

CHAP. 10.

An Act to add to the number of the Members of the Corporation of the Trinity House of Quebec, and to increase the powers thereof.

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS it is desirable that the number of the members of the Corporation of the Trinity House of Quebec should be increased from nine to fourteen, and that such last mentioned number should be reduced to thirteen on the first occurrence of a vacancy among the Wardens appointed by the Governor, not being Wardens *ex officio*, and that four of such thirteen or fourteen Members should be elected by the Council of the Quebec Board of Trade: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Members of the Corporation.

1. After the commencement of this Act, the Trinity House of Quebec shall consist of a Master and thirteen (to be reduced as and when hereinafter mentioned to twelve) Wardens, that is to say, the Harbour Master of Quebec for the time being, the Superintendent of Pilots for and below the Harbour of Quebec for the time being, and the Chairman of the Board of Directors of the Corporation of Pilots for and below the Harbour of Quebec for the time being, who shall be Wardens, *ex officio*, and ten (to be reduced as and when hereinafter mentioned to nine), other Wardens appointed or elected as hereinafter mentioned.

Appointment and election of members of the Corporation.

2. Within fourteen days after the commencement of this Act the Council of the Quebec Board of Trade shall elect four persons, to be, with the said Harbour Master and Superintendent of Pilots and Chairman of the Board of Directors of the Corporation of Pilots, and the other six Wardens appointed by the Governor, then in office, the first Wardens of the Trinity House of Quebec, under this Act; and the names of the persons so elected shall be forthwith, after such election, certified to the Minister of Marine and Fisheries, under the seal of the Quebec Board of Trade; and in case the Council of the Board of Trade shall refuse, or shall for such fourteen days neglect to make such election of such four person

persons, and to certify the names of such four persons as aforesaid, the Governor may within thirty days after the expiration of such fourteen days, appoint four persons to make up the full number of the said Wardens; and in case any person elected as aforesaid shall refuse to accept the office, the Governor may appoint in the place of the person so refusing some other person to be a Warden of the Trinity House of Quebec.

3. Every vacancy happening from time to time among the Wardens of the Trinity House of Quebec appointed by the Governor, not being Wardens so appointed by reason of the refusal or neglect of the Council of the Quebec Board of Trade, or the refusal to accept office hereinbefore mentioned, except the first vacancy which shall happen after the commencement of this Act, which shall not be filled up at all, and after the occurrence of which the Trinity House of Quebec shall consist only of a Master and twelve Wardens, shall be filled up by the Governor; and every other vacancy shall be filled up by the Council of the Quebec Board of Trade, and the name of the person elected to fill any such vacancy shall be forthwith, after his election, certified to the Minister of Marine and Fisheries, under the seal of the Quebec Board of Trade.

Mode of filling vacancies.

4. In case the Council of the Quebec Board of Trade refuses, or for fourteen days after having been required so to do by the Minister of Marine and Fisheries, neglects to fill up any vacancy happening from time to time among the Wardens elected by the said Council or appointed by the Governor by reason of their refusal or neglect or the refusal to accept office hereinbefore mentioned, and to certify the name of the person elected to fill such vacancy,—the Governor may appoint a person to fill such vacancy: and in case any person elected to fill a vacancy as aforesaid shall refuse to accept the office, the Governor may appoint in the place of the person so refusing some other person to fill such vacancy.

Governor may appoint on neglect or refusal to fill up or accept office.

5. Every appointment by the Governor under this Act shall be made by an instrument under the Great Seal of Canada.

Appointments by Governor to be under Great Seal.

6. The Wardens of the Trinity House of Quebec, other than the Harbour Master and the Superintendent of Pilots, shall not be entitled to any remuneration for their services.

As to salaries &c.

7. In case a ship under the charge of a pilot for and below the Harbour of Quebec meets with an accident in the port of Quebec, the Trinity House of Quebec may, if they see fit cause for doing so, on the complaint of the master, owner or consignee of such ship, or of any other interested party, against such pilot, investigate the matter; and the complaint in such case shall be made in the manner and within the time prescribed by section seventy-six of the Act of the legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen.

Judicial powers of T. H. Q.

Complaints how brought.

Corporation
heretofore
existing to
continue.

8. Nothing in this Act shall be construed to constitute the Trinity House of Quebec a new corporation, or to require that any member or officer of the same, being such at the time of the commencement of this Act, should receive a new appointment; and the members of the said corporation under this Act, whether elected or appointed, and their successors elected or appointed from time to time as required by this Act, shall be, and be deemed to be the successors of the members of the said corporation under the Acts constituting and continuing the same.

Quorum
12 V., c., 114
ss. 5 & 6
amended.

9. Any five and not less than five, of the members of the said corporation shall be a quorum thereof—and sections five and six of the Act of the legislature of the late Province of Canada passed in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, shall be read and construed as if the word "five" occurred in lieu of the word "three" in the second line of each of the said sections.

12. V. c. 114
s. 2, subsect.
4 repealed
in part.

10. So much of the second section of the Act cited in the next preceding section of this Act as enacts that the Trinity House of Quebec shall consist of a Master, Deputy Master and seven Wardens, or of a Master and eight Wardens, is hereby repealed.

Commence-
ment of Act.

11. This Act shall not come into operation until the first day of January, one thousand eight hundred and seventy-four, which day is in this Act referred to as the commencement of this Act.

CHAP. II.

An Act to amend the Acts relating to Port Wardens at Montreal and Quebec.

[Assented to 3rd May, 1873.]

Preamble.
26 V. c. 52.
29 V., c. 59,
(Prov. of Can.).

Canada,
34 V., c. 23.

IN further amendment of the Act passed by the legislature of the late Province of Canada, in the twenty-sixth year of Her Majesty's reign, chapter forty-two, "*to provide for the appointment of a Port Warden for the Harbour of Montreal*;" and in amendment of the Act passed by the same legislature, in the twenty-ninth year of Her Majesty's reign, chapter fifty-nine, amending the same; and also in amendment of the Act passed by the Parliament of the Dominion of Canada, in the thirty-fourth year of Her Majesty's reign, "*to provide for the appointment of a Port Warden for the Harbour of Quebec*,"—Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

MONTREAL.

MONTREAL.

1. No officer of Customs shall grant a clearance to any vessel wholly, or partly loaded with grain, for the purpose of enabling her to leave the Port of Montreal for any port not within the limits of inland navigation, unless nor until the master of such vessel produces to him a certificate from the Port Warden or his deputy, to the effect that all the requirements of the twelfth section of the Act first cited in the preamble of this Act have been fully complied with, if such grain be laden in bulk; nor unless or until such master produces to him a certificate from the Port Warden or his deputy that all the requirements of the fourteenth section of the said Act, as hereby amended, have been fully complied with if such vessel be wholly or partly laden with grain, otherwise than wholly or partly in bulk; and if any vessel, wholly or partly loaded with grain, attempts to leave the Port of Montreal without a clearance, for any port not within the limits of inland navigation, any officer of Customs, or any person acting under the direction of the Minister of Marine and Fisheries, or the chief officer of the River Police, may detain such vessel until such certificate is produced to him.

No clearance from Montreal to any vessel loaded with grain without certificate from Port Warden.

Vessel attempting to leave without may be detained.

2. So much of the fifth section of the Act secondly cited in the preamble of this Act as imposes a penalty of forty dollars for every infraction or breach of the twelfth section of the Act first cited in the preamble of this Act is hereby repealed, and the penalty for every infraction or breach of the said twelfth section shall be eight hundred dollars.

29 V., c. 59, (Can.) amended:—penalty increased.

QUEBEC.

3. No officer of Customs shall grant a clearance to any vessel wholly or partly laden with grain, for the purpose of enabling her to leave the Port of Quebec for any port not within the limits of inland navigation, nor within the Dominion of Canada, unless nor until the master of such vessel produces to him a certificate from the Port Warden or his deputy, to the effect that all the requirements of the twelfth section of the Act thirdly cited in the preamble of this Act have been fully complied with, if such grain be laden in bulk; nor unless or until such master produces to him a certificate from the Port Warden, or his deputy that all the requirements of the said Act, as hereby amended, have been fully complied with, if such vessel be wholly or partly laden with grain, otherwise than wholly or partly in bulk; and if any vessel, wholly or partly loaded with grain attempts to leave the Port of Quebec for any Port not within the limits of inland navigation, or within the Dominion of Canada, without a clearance, any officer of Customs, or any person acting under the direction of the Minister of Marine and Fisheries, or the chief officer of the River Police, may detain such vessel until such certificate is produced to him.

No clearance from Quebec to any vessel loaded with grain without certificate from Port Warden.

Vessel attempting to leave may be detained.

34 V., c. 33.,
s. 29 amended.
Penalty in-
creased.

4. So much of the twenty-ninth section of the Act thirdly cited in the preamble of this Act as imposes a penalty of forty dollars for any and every infraction or breach of the said twelfth section of the said Act is hereby repealed, and the penalty for any and every infraction or breach of the said twelfth section of the said Act shall be eight hundred dollars.

GENERAL PROVISIONS.

S. 14 of 26
V., c. 52, and
s. 14 of 34
V., c. 33,
repealed, and
new section
substituted.

5. The fourteenth section of the Act first cited, and the fourteenth section of the Act thirdly cited in the preamble of this Act, are hereby repealed, and the following section substituted for the same, as the fourteenth section of each of the said Acts, respectively :—

Notice to Port
Warden and
by him to
Collector.

“The master of any vessel wholly or partly laden with grain for any port not within the limits of inland navigation, shall, before proceeding on his voyage, or clearing at the Custom House for the same, notify the Port Warden, whose duty it shall then be to proceed on board such vessel, and examine whether she is in a fit state to proceed to sea or not: if she is found unfit, the Port Warden shall state in what particulars, and on what conditions only she will be deemed in a fit state to leave, and shall notify the master not to leave the port until the required conditions have been fulfilled; and in case of the master refusing or neglecting to fulfil the same, the Port Warden shall notify the Collector of Customs, in order that no clearance may be granted for the vessel until such required conditions have been fulfilled, and a certificate thereof granted by the Port Warden or his deputy.”

Port Warden
may initiate
proceedings
without being
called upon.

6. The Port Warden at either of the ports aforesaid, may in any case where he thinks it right and necessary, initiate proceedings, and hold surveys, and obtain process, as if required by the parties concerned under the provisions of the Acts cited in the preamble of this Act: and whenever the Port Warden is mentioned in any provision of any of the said Acts, or in this Act, such provision shall always be understood to apply to the Deputy Port Warden.

Application of
penalties
under this Act
or the Acts
amended.

7. The whole of any pecuniary penalty imposed by this Act, or by the Acts hereinbefore cited, or any of them, shall belong to the Crown, and shall be paid over to the Receiver General, by the officer or person receiving it, and shall be appropriated in such manner as the Governor General in Council may direct; anything in the said Acts, or any of them to the contrary notwithstanding.

CHAP. 12.

An Act to amend the Act to provide for the appointment of a Harbour Master for the Port of Halifax.

[Assented to 3rd May, 1873.]

IN amendment of the Act passed in the thirty-fifth year of Her Majesty's Reign, chapter forty-two, intituled: "*An Act to provide for the appointment of a Harbour Master for the Port of Halifax*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

35 V., c. 42.

1. The Governor in Council may, in and by any rule or regulation made under the fourth section of the said Act, impose any reasonable penalty, not exceeding in any case one hundred dollars, for the breach of such rule or regulation, with, in case of a continuing breach, a further penalty, not exceeding in any case ten dollars for every twelve hours during which such breach continues; but so that no such rule or regulation shall impose a minimum penalty: And every breach of any such rule or regulation shall be deemed a contravention of the said Act, and every such penalty shall be held to be a penalty imposed by this Act.

S. 4 amended; Governor in Council may impose penalties for breach of regulations.

2. This Act and the said Act shall be read and construed as forming together one Act.

Interpretation.

CHAP. 13.

An Act to incorporate "*La Banque d'Hochelaga*."

[Assented to 3rd May, 1873,

WHEREAS Claude Melançon, Louis Tourville, Joel Leduc, Louis Monat, Esprit Anaclet Généreux, Louis O. Turgeon, Ananie S. Hamelin, Charles Hébert, Joseph Hudon, Gustave R. Fabre, Jean Adolphe Gravel and Louis Charles Gravel, all traders of the city of Montreal, have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the City of Montreal, in the Province of Quebec; and whereas it is desirable to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. Claude Melançon, Louis Tourville, Joel Leduc, Louis Monat, Esprit Anaclet Généreux, Louis O. Turgeon, Ananie S. Hamelin, Charles Hébert, Joseph Hudon, Gustave R. Fabre, Jean Adolphe Gravel

Certain persons incorporated.

Gravel

Corporate
name.

Gravel and Louis Charles Gravel, and all such other persons as may become shareholders in the corporation to be by this Act created, and their heirs and assigns, shall be, and they are hereby created, constituted and declared to be a corporation, and body politic by the name of "*La Banque d'Hochelaga*."

Capital stock.

2. The capital stock of the said bank shall be one million of dollars, divided into ten thousand shares of one hundred dollars each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns.

Provisional
Directors.

Stock books.

First meeting
of share-
holders.

Election of
Directors.

Term of office.

3. For the organization of the said bank, and for the raising of the amount of the said capital stock, the persons hereinbefore mentioned shall be Provisional Directors thereof; and they or the majority of them may cause stock books to be opened after public notice thereof has been given, upon which stock books shall and may be received and inscribed the signatures and subscriptions of such persons as desire to become shareholders in the said bank; and such stock books shall be opened in the city of Montreal aforesaid and elsewhere, at the discretion of the Provisional Directors, and shall be kept and remain open so long as they shall deem necessary: and so soon as five hundred thousand dollars of the capital stock shall have been subscribed upon the stock-books aforesaid, and one hundred thousand dollars thereof paid into some one of the chartered banks of Canada, a public meeting shall be called of the subscribers thereof, by notice published in two newspapers of the said city of Montreal during at least two weeks,—such meeting to be held in Montreal at such time as such notice shall indicate and specify; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward direct the affairs of the said corporation, shall assume the charge of the stock books hereinbefore referred to, and shall remain in office until the fifteenth day of July next following their election, and until such time as their successors in office shall be duly elected; and immediately upon such election being held the functions of the said Provisional Directors shall cease.

Chief place of
business.

4. The chief place or seat of business of the said corporation, shall be in the city of Montreal.

Act 34 V., c.
5, to apply.

5. The Act thirty-fourth Victoria, chapter five, intituled, "*An Act relating to Banks and Banking*," and all the provisions thereof, shall apply to the bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banks already in existence or to banks *en commandite*.

Treasury certi-
ficate to be
obtained
within a cer-
tain time.

6. The said bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act the certificate required by section seven of the said "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's

Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges thereby conferred shall be forfeited.

7. This Act shall remain in force until the first day of July, in the year of Our Lord, one thousand eight hundred and eighty-one. Duration of Act.

CHAP. 14.

An Act to incorporate the Three Rivers Bank.

[Assented to 2nd May, 1873.]

WHEREAS the persons hereinafter named and others, by their Preamble.
petition, have prayed that they may be incorporated for the purpose of establishing a bank in the City of Three Rivers, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. George Baptist, Ezekiel M. Hart, Henry R. Symmes, Henry M. Balcer, James Shortis, Uldoric Martel, Denis G. LaBarre, Sévère Dumoulin, George S. Badeaux, Joseph N. Bureau, Henri G. Malhiot, M.P.P., Charles Lajoie, Flavien Lottinville, Alexander Baptist, Telesphore Normand, Hon. J. J. Ross, M.P., Joseph Gaudet, M.P., Eli Lacerte, M.P., and William McDougall, M.P., and such others as shall become shareholders in the corporation hereby created and their respective executors, administrators and assigns shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the corporate name of the "*Three Rivers Bank*;" and as such shall have perpetual succession and a common seal, with power to break, change and alter the same at pleasure, and also with all other powers incident to and necessary for the purposes hereinafter declared. Certain persons incorporated.

Corporate name and general powers.

2. The capital stock of the said Bank shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; and its chief office shall be in the City of Three Rivers. Capital Stock.
Shares.
Chief office.

3. The said persons above named shall be Provisional Directors for the purpose of organizing the said Bank; and they or a majority of them may cause stock books to be opened at such times and places as they or a majority of them shall think expedient, after first giving two weeks' notice thereof in one or more newspapers published in the City of Three Rivers; upon which stock books shall be recorded the subscriptions of such persons Provisional directors and subscription of stock.

persons as shall desire to become shareholders in the said Bank ; and such books shall be kept open at the discretion of the said Provisional Directors, or a majority of them, so long as they shall deem necessary.

First meeting
of Share-
holders.

Election of
Directors.

4. Whenever the capital stock of the said Bank shall have been subscribed, and one hundred thousand dollars thereof shall have been *bonâ fide* paid into some one of the present chartered banks of Canada, it shall be lawful for the said Provisional Directors, or a majority of them, after giving three weeks' notice in one or more newspapers published in the said City of Three Rivers, in the English and French languages, to call a public meeting of the shareholders, to be held at such place in the said City of Three Rivers, as shall be mentioned in such notice, for the purpose of electing Directors, and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank ; and thereupon the duties of the Provisional Directors shall cease, and the Bank may thereupon issue its notes and carry on business : Provided that if less than two hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereof.

Directors,
number of, &c.

5. The number of Directors of the said Bank shall be seven, subject to be increased or diminished from time to time by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled, "*An Act relating to Banks and Banking.*"

Act 34 V., c.
5, to apply.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to Banks in existence before the passing thereof, or to Banks *en commandite*, or are inconsistent with this Act.

Bank shall
obtain certifi-
cate from
Treasury
Board within
a certain time.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said Act, relating to Banks and Banking, passed in the thirty-fourth year of Her Majesty's reign, chapter five ; in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

Duration of
Act.

8. This Act shall remain in force until the first day of July, in the year of our Lord, one thousand eight hundred and eighty-one

CHAP. 15.

An Act to incorporate "La Banque de St. Jean."

[Assented to 3rd May, 1873.]

WHEREAS the persons hereinafter mentioned have, by their Preamble.
 petition, prayed that they might be incorporated for the
 purpose of establishing a bank in the town of St. Johns, in the
 Province of Quebec, and whereas it is desirable to grant the prayer
 of their petition: Therefore Her Majesty, by and with the advice
 and consent of the Senate and House of Commons of Canada, enacts
 as follows:—

1. Louis Molleur, the younger, M. P. P., Felix G. Marchand, Incorporation
of certain
persons.
 M. P. P., Arcade Decelles, Thomas R. Jobson, Isaac Coote,
 Philibert Baudouin, Jacques Emri Molleur, Joseph P. Carreau,
 Joseph L'Ecuyer, and all such other persons as may
 become shareholders in the corporation to be by this Act
 created, and their assigns, shall be and they are hereby created,
 constituted and declared to be a corporation, body corporate and
 politic, by the name of "*La Banque de St. Jean.*" Corporate
name.

2. The capital stock of the said Bank shall be one million of Capital stock
and shares.
 dollars, divided into ten thousand shares of one hundred dollars
 each; which said shares shall be and are hereby vested in the
 several persons who shall subscribe for the same, their heirs, legal
 representatives and assigns.

3. For the organization of the said Bank and for the raising of Provisional
Directors.
 the amount of the said capital stock, the persons hereinbefore
 mentioned shall be Provisional Directors thereof; and they or the
 majority of them may cause stock books to be opened after public Stock books.
 notice thereof has been given, upon which stock books shall and may
 be received and subscribed the signatures and subscriptions of such
 parties or persons as desire to become shareholders in the said Bank;
 and such stock books aforesaid shall be opened at St. Johns afore-
 said and elsewhere, at the discretion of the Provisional Directors,
 and shall be kept and remain open so long as they shall deem
 necessary; and so soon as five hundred thousand dollars of the
 capital stock shall have been subscribed upon the stock books afore-
 said and one hundred thousand dollars thereof actually paid into First meeting
of shareholders
 some one of the chartered banks doing the business of banking in
 Canada, a public meeting shall be called of the subscribers thereof
 by notice published in two newspapers of the said town of St. Johns
 during at least two weeks; such meeting to be held in St. Johns
 aforesaid at such time as such notice shall indicate and specify;
 and at such meeting the subscribers shall proceed to elect seven Election of
Directors.
 Directors having the requisite stock qualification, who shall from
 thenceforward direct the affairs of the said corporation, shall assume
 the charge of the stock books hereinbefore referred to, and shall
 remain in office until the second Thursday of January which shall
 be in the year next after the year in which they are so elected,
 and

and until such time as their successors in office shall be duly and regularly elected; and immediately upon such election being held the functions of the said Provisional Directors shall cease.

Chief place of business.

4. The chief place or seat of business of the said corporation shall be in the Town of St. Johns, in the Province of Quebec.

Act 34 V., c. 5, to apply.

5. The Act thirty-fourth Victoria, chapter five, "*Relating to Banks and Banking*" and all the provisions thereof shall apply, to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banking institutions already in existence or to banks *en commandite*.

Certificate of treasury board to be obtained, within a certain time.

6. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges thereby conferred shall be forfeited.

Duration of Act.

7. This Act shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and eighty-one.

CHAP. 16.

An Act to increase the Capital Stock of the Union Forwarding and Railway Company.

[Assented to 3rd May, 1873.]

Preamble.
22 V., c. 99.

WHEREAS the Union Forwarding and Railway Company have by their petition represented that by an Act of the legislature of the late Province of Canada, passed in the twenty-second year of the reign of Her present Majesty, intituled "*An Act to incorporate the Union Forwarding and Railway Company*," certain persons therein named, and their successors, were incorporated for the purposes and with the objects in the said Act contained; that the capital stock of the Company is by the said Act fixed at two hundred and fifty thousand dollars; that owing to the increase of traffic increased accommodation is required, and that it is necessary that the capital stock of the Company should be increased to five hundred thousand dollars; that the shareholders of the Company have by resolution affirmed the necessity of such increase, and pray for an Act to increase the said capital stock to the amount aforesaid; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The shareholders of the said Company, at a general meeting, at which two-thirds in value of the shareholders shall be present or represented, shall have power from time to time, at such meeting, to increase the capital stock of the said Company to an amount not exceeding in all the sum of five hundred thousand dollars, to be divided into shares of fifty dollars each ; which increase shall be applied wholly to the purposes of the Company, and to no other use whatever ; and the payment of such increased stock shall be made by calls on each shareholder for such sums and at such times as the Board of Directors of the Company shall determine ; provided always that at least one month's notice be given of every such call.

Capital stock may be increased by vote of the shareholders.

2. All and every the provisions of the said Act referred to in the preamble of this Act, shall be applicable to such increased stock.

Act 22 V., c. 99, to apply to new stock.

CHAP, 17,

An Act respecting the Montreal and Champlain Railroad Company.

[Assented to 3rd May, 1873.]

WHEREAS the Grand Trunk Railway Company of Canada heretofore purchased all the lines, assets, rolling stock, franchise, corporate property, shares and rights of every kind of the Montreal and Champlain Railroad Company, subject to the redemption of certain securities mentioned in section five of the Act of the legislature of the late Province of Canada, passed in the session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter eighty-five ;

Preamble.

27, 28 V., c. 85

And whereas it is necessary, in order to prevent disputes and confusion, to fix and declare the amounts and order of the said several mortgage securities and charges upon the said lines and property, so sold to and purchased by the Grand Trunk Railway Company of Canada as aforesaid :

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The first mortgage and hypothec upon the said railroad and property mentioned in the said section five of the said Act twenty-seventh and twenty-eighth Victoria, chapter eighty-five, and so sold to and purchased by the Grand Trunk Railway Company as aforesaid, is hereby declared to be and shall be the sum of one hundred and eighty one thousand four hundred pounds sterling, being the aggregate amount of the bonds or debentures specified in the first schedule to this Act.

First mortgage and hypothec.

Second mortgage and hypothec.

2. The second mortgage and hypothec upon the same is for the sum of three hundred and seventy thousand dollars, being the aggregate amount of the bonds or debentures specified in the second schedule to this Act.

Third mortgage and hypothec.

3. The third mortgage and hypothec upon the same is for the sum of five hundred thousand dollars, or one hundred and two thousand eight hundred pounds sterling, being the aggregate amount of the bonds or debentures specified in the third schedule to this Act.

Registration dispensed with.

4. It shall not be necessary, in order to preserve the mortgage and hypothec of the holders of the said bonds or debentures according to their priority as hereby declared, that the same shall be or shall have been registered, or if registered, that there shall be any renewal of the registration; nor that any deed or other instrument in writing, creating or evidencing any mortgage or hypothec in respect of such bonds or debentures or any of them, shall be or shall have been registered, or shall hereafter require to be registered.

THE FIRST SCHEDULE.

First mortgage bonds issued by virtue of the Statute of the late Province of Canada, twenty-third Victoria, chapter one hundred and seven, viz. :

Nos. 1 to 90, both numbers inclusive, of £1,000 sterling each	£ 90,000
Nos. 101 to 206, both numbers inclusive, of £500 sterling each.....	53,000
Nos. 401 to 550, both numbers inclusive, of £200 sterling each.....	30,000
Nos. 601 to 684, both numbers inclusive, of £100 sterling each	8,400
	<u>£181,400</u>

THE SECOND SCHEDULE.

Second mortgage bonds issued by virtue of the Statute of the late Province of Canada, twenty-fifth Victoria, chapter fifty-seven, viz. :

Nos 1 to 300, both numbers inclusive, of \$100 each.....	\$ 30,000
Nos. 1 to 80, both numbers inclusive, of \$500 each.....	40,000
Nos. 1 to 200, both numbers inclusive, of \$1,000 each...	200,000
Nos. 1 to 50, both numbers inclusive, of \$2,000 each....	100,000
	<u>\$370,000</u>

THE THIRD SCHEDULE.

Third mortgage bonds issued by the Grand Trunk Railway Company of Canada, by virtue of the Act of the Parliament of Canada, thirty-fifth Victoria, chapter sixty-four, viz. :

Nos. 1 to 1,028, both numbers inclusive, of £100 sterling each	<u>£102,800</u>
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CHAP. 18,

An Act to extend the provisions of "*The Grand Trunk Arrangements Act, 1862*," so far as relates to certain Preferential Bonds, for a further period, to settle the rates of interest in future on the Preferential Bonds and Stocks, and for other purposes.

[Assented to 3rd May, 1873.]

WHEREAS by "*The Grand Trunk Arrangements Act, 1862*," Preamble. the rate of interest upon the first and second preferential bonds of the Company was reduced from the rate of six per centum per annum to that of five per centum per annum, and all rights of action in respect of such bonds were suspended for a period of ten years from the thirty-first day of December one thousand eight hundred and sixty-two, hereinafter called "the suspense period," upon the terms in such Act mentioned ;

And whereas, subject to the proviso herein contained, it is expedient that the said suspense period shall, so far as regards preferential bonds of the Company and the stocks into which the same respectively may have been converted, be continued for a further period of three years, and the extension of such period has been agreed to by a majority of the bond and stock-holders of the Company in general meeting, upon the condition that the said preferential bonds, and any stock into which any of such preferential bonds may have been converted, shall, as to interest or dividend, revert to their former position, and hereafter the interest or dividend thereon respectively shall be at the rate of six per centum per annum ;

And whereas, subject to the proviso herein contained, it is expedient that the Company be authorized to issue further equipment mortgage bonds on the terms after mentioned :

And whereas, subject to the provisions herein contained, it is expedient that the Company should be empowered to raise further money for the purposes of their undertaking, and should for that purpose be authorized to create and issue fully paid up stock to the nominal amount of ten millions of pounds sterling, to be disposed of by them as after mentioned ;

And whereas, subject to the issue of such ordinary stock, and in the events after mentioned, it is expedient that the Company should be authorized to convert their first and second preferential bonds, and the stock into which any of such preferential bonds respectively shall have been converted, and their third and fourth Preference stock, into various classes of preference stock ;

And whereas, the objects aforesaid cannot be obtained without the authority of Parliament :

Therefore

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Short title.

1. This Act may for all purposes be cited as "The Grand Trunk Arrangements Act, 1873."

PART I.

Extension of
suspense
period for
three years,
so far as re-
lates to first
and second
Preferential
Bonds.

2. So far as relates to the first and second preferential bonds of the Company, and the stock into which any of such preferential bonds respectively shall have been converted, the said suspense period of ten years shall be continued for a further period of three years ; and no action, suit or other proceeding shall be maintainable by or on behalf of any holder of any preferential bond, whether first or second, of the Company, or of any coupon for interest in respect of such bond, or by or on behalf of any holder of stock into which any such bond may have been converted, or in respect of any interest or dividend due on such bond or stock during the said extended period of three years ; and no judgment recovered in respect of any such bond or interest or dividend, shall be enforceable against the Company or its property or effects during that period.

Increase of
rate of interest
and power to
reconvert
Preferential
Stocks into
Bonds.

3. In lieu of the rate of interest at five per cent prescribed by the eleventh section of the said Act, the rate of interest on the said bonds shall, as from the first day of January one thousand eight hundred and seventy-three, be six per centum per annum, and that interest shall be payable only in coupons representing the amount of interest half-yearly due on such bonds : and the first and second preference stocks of the Company, respectively representing first and second preferential bonds converted under the sixth and seventh sections of the said Act, shall henceforward, as from the first day of January one thousand eight hundred and seventy-three, be entitled to receive dividend on such stocks in accordance with their present priorities at the increased rate of six per centum per annum in perpetuity ; provided that the holders of the said first and second preference stocks respectively shall have the option, at any time within six months from the time when the passing of this Act shall have been notified by advertisement in some daily newspaper published in London, England, on presentation and delivery of their respective certificates of such stocks, to receive in lieu thereof first or second preferential bonds, as the case may be, of the nominal amount of one hundred pounds for each one hundred pounds of such stock, with coupons attached for payment of the interest thereon at the rate of six per centum per annum, and for every fraction of such stock, being less than one hundred pounds, certificates for such fractional amount entitled to and bearing the same rate of interest ; and on delivery of such bonds and certificates, the stock for which the same respectively shall have been substituted shall be cancelled.

4. During the suspense period as extended by this Act, the interest or dividend payable on such bonds and stock respectively shall, at the end of each year, and in respect of such year, be capitalised by the delivery of bonds of the nominal amount of one hundred pounds each, and of certificates for fractional amounts of one hundred pounds, or, as the case may be, by the addition of the dividend or interest payable on the stocks not reconverted into bonds as before provided, to the stocks respectively upon which such interest or dividend shall have accrued; and such bonds and additional stocks respectively shall bear and be entitled to the same rate of interest as the bonds or stocks in respect of which the interest or dividend so capitalised shall have accrued; and such capitalisation shall be in full discharge and satisfaction of the interest and dividend respectively for the time being accrued and due upon the said bonds and stocks respectively.

Annual capitalization of interest.

5. The Company may from time to time issue further equipment mortgage bonds No. 2, of the class defined by section three of "*The Grand Trunk Railway Act, 1867*," to the further nominal amount of one million one hundred thousand pounds sterling; and such bonds as and when issued shall rank *pari passu* in all respects, and be a charge upon the undertaking of the Company, as if the same had been issued under the authority of the said "*Grand Trunk Railway Act, 1867*:" Provided however, that five hundred thousand pounds of the nominal amount of such bonds so to be created shall be set apart for and be applied solely to the redemption or satisfaction of the first equipment bonds of the Company issued under the provisions of the third section of "*The Grand Trunk Arrangements Act, 1862*."

Power to issue further equipment bonds.

PART II.

6. The Company may, in addition to any other moneys which they are by Part One of this Act authorised to raise, issue new ordinary stock to any nominal amount they may think fit, not exceeding in the whole ten million pounds sterling, and such stock, as and when created and subscribed for, shall rank in all respects *pari passu* with the present existing ordinary stock of the Company.

Power to issue ordinary stock.

7. The Company may create and issue such new ordinary stock and allot the same in such amounts and subject to the payments of calls of such amounts and at such times, and at such discount not exceeding eighty-one pounds in the hundred pounds, as the Company may think fit; or the Company may agree for the sale of the same or any part thereof, at any price within the limit aforesaid, and may stipulate for the payment of the purchase-money by instalments; and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions of section sixteen of the Statute fourteenth and fifteenth Victoria, chapter fifty-one, intituled "*An Act to consolidate and regulate the General Clauses relating*

Such stock may be issued at a discount; or sold below par, &c., and made payable by instalments, in place of calls.

ing to Railways," and which Act is (so far as applicable) incorporated herewith; and the amount of every such instalment may be sued for and recovered as if it were a call due on a share within the meaning of the said Act; and the non-payment of any such instalment shall carry with it all rights, incidents and consequences (including forfeiture of the stock in respect of which such instalment is due) as in the case of a call due by a shareholder on a share, as mentioned in the said Act.

Proportion of
votes for
shares altered.

8. From and after the passing of this Act, the number of votes to which each proprietor of ordinary stock in the Company's undertaking shall be entitled, on every occasion where the votes of the members of the Company or proprietors are to be given, shall be two votes for every nominal one hundred pounds of stock, and that whether such stock be the original stock of the Company or any ordinary stock created under the provisions of this Act; but nothing herein contained shall in any way interfere with the rights of any debenture or bondholder, or preference stock holder of the Company, as now enjoyed, who shall be entitled to vote on the same scale as heretofore, as if this Act had not been passed.

First
preferential
bonds converted
into "First
Preference
Stock."

9. From and after the passing of this Act the aggregate of the principal moneys, secured by the ordinary first preferential bonds of the Company, and the stock into which any of such preferential bonds shall have been converted, is hereby converted into a perpetual stock of the Company, to be called "First Preference Stock."

Second pre-
ferential
bonds converted
into
"Second
Preference
Stock."

10. From the same date the aggregate of the principal moneys secured by the second preferential bonds of the Company, and the stock into which any of such preferential bonds shall have been converted, is hereby converted into a perpetual stock of the Company, to be called "Second Preference Stock."

Fourth pre-
ference
stock converted
into "Third
Preference
Stock."

11. From the same date the existing fourth preference stock of the Company shall be converted into a perpetual stock, to be called "Third Preference Stock."

Existing
third Prefer-
ence stock
converted into
(new) second
and third
Preference
stocks
equally.

12. From the same date the existing third preference stock of the Company shall be extinguished, and the present respective holders thereof shall receive in exchange therefor preference stocks of the Company, of the second and third classes hereby created, in equal moieties, taken at par. For the purpose of providing such stock the Company are hereby authorised to issue, in addition to the amounts otherwise required for the conversion of the second preferential bonds, and of the fourth preference stock as now existing, such further amount of second and third preference stock as may be required.

Dividends on
first and
second
preference
stocks.

13. The first and second preference stocks hereby created shall, as from and including the year one thousand eight hundred and seventy-three, be entitled to a dividend, (but as between themselves the first in priority to the second) of five per cent. per annum in perpetuity, with a contingent increase as hereinafter mentioned.

14. The third preference stock hereby created shall, as from Dividend on (new) third preference stock. and including the year one thousand eight hundred and seventy-three, (but subject to the priority of the first and the second preference stocks) be entitled to a dividend of four per cent. per annum in perpetuity with a contingent increase as hereinafter mentioned.

15. The surplus earnings of the Company, after the payment of Application of surplus earnings, divisible as dividend. interest on the first equipment mortgage bonds, divisible as dividend, shall henceforth, after the payment of the said dividend of the said preference stocks, be applied in payment of a dividend at the rate of three per cent. per annum on the ordinary stock of the Company; and in case of there remaining any balance of net revenue applicable to dividend, the same shall be applied in the first place in the payment of an extra dividend of one per cent. more to each of the said three preference stocks according to their priorities, and after that of a further dividend of two per cent. on the ordinary stock of the Company, and thereafter in accordance with the provisions of "*The Grand Trunk Arrangements Act, 1862.*"

16. In order to secure to the first and second preference stocks Dividend for 1873, on first and second preference stock. hereby created the payment of dividend for the year one thousand eight hundred and seventy-three, the Company shall forthwith, after the issue of the ordinary stock hereby created, set apart two hundred thousand pounds, part of the proceeds to be received from the issue thereof, upon trust, to make good, so far as the same will extend, any deficiency of dividend for the year one thousand eight hundred and seventy-three. If any surplus remain after such application the same shall be applied by the Company for general purposes.

17. It is further provided that, for the purpose of calculating Further provision as to the same; charge to capital account. and as far as may be ensuring the payment of five per cent. dividend on the said preference stocks during the years one thousand eight hundred and seventy-three, one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, it shall be lawful for the Company and they shall debit the capital account during those years with the cost of providing not exceeding thirty-two thousand tons of steel rails, together with the necessary cost of ballasting and relaying the portion of line on which such rails may be or shall be intended to be laid, and of converting the present gauge of the railway to the gauge of four feet eight and a half inches.

18. The dividends of the said respective preference stocks Dividends when payable. shall be due on the thirtieth day of June and the thirty-first day of December in each year, and shall be payable two months after such dates respectively.

19. The holders of the said several preference stocks here- Voting on preference stocks. by created, shall be entitled to the same privileges of voting as they would have enjoyed in respect of the preferential bond and preference stocks converted by this Act, as if the same had not been passed.

As to order of right to preferential dividends.

20. The preference stocks shall be entitled to the preferential dividends assigned thereto, according to their respective priorities, out of the profits of each year, in priority to the ordinary stock of the Company; but if in any year ending on the thirty-first day of December, there are not profits available for the payment of the full amount of preferential dividends for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company, except as herein expressly provided.

PART III.

Proviso : condition on which Part II of this Act shall come into force.

21. Provided always, and it is hereby enacted, that the second part of this Act is upon the express condition that the same shall not take effect unless five hundred thousand pounds sterling be paid to the Company in respect of the issue of the ordinary stock hereby authorized to be created, on or before the thirty-first day of December next.

Certain sections of Part I to be void, if consolidation be complied with : provision in such case

22. In the event of such payment of five hundred thousand pounds being made to the Company on or before the said day, sections two, three and four in the first part of this Act shall be void and of no effect; and in the same event the restriction in section five of the said Act as to the application of the proceeds of equipment bonds thereby authorized to be created shall be extended, and the whole of the one million one hundred thousand pounds thereby authorized to be created shall be applied solely in the redemption or satisfaction, not only of the first equipment bonds of the Company, but also of the postal and military bonds of the Company also issued under the authority of the said "*Grand Trunk Arrangements Act, 1862*," and thereby specially secured; and the Directors of the Company are hereby empowered to effect such redemption or satisfaction from time to time, either by agreement with the holders of the said bonds respectively, or by purchase, in the market; and any surplus may be applied to the general purposes of the Company.

Gauge of railway may be altered.

23. Any provision in any Act determining the gauge of the Grand Trunk Railway Company of Canada, or of any railway forming part thereof, is hereby repealed, and the Company are hereby empowered to alter the gauge of their railways or any of them, as they may deem fit

Certain facts to be certified to Governor in Council.

24. The Grand Trunk Company shall, from time to time, give satisfactory evidence to the Governor in Council of the expenditure of the proceeds of the share capital hereby authorized to be raised, which shall be made in the improvement of and addition to the rolling stock, in the changing of the gauge to four feet eight and a-half inches, the substitution of steel for iron rails, and the providing of additional facilities for the carrying on of the business of the country,

25. The Grand Trunk Company shall grant to the Government or the persons or Company who may work the Intercolonial Railway, running powers over the line of the Grand Trunk Railway, between Rivière du Loup and Quebec, so that the trains of the Intercolonial Railway may run to and from Quebec ;—the terms for these running powers to be settled from time to time by mutual arrangement, or failing that by arbitration, in which case the Grand Trunk Company shall choose one arbitrator, the party working the Intercolonial Railway one arbitrator, and the two arbitrators so chosen a third arbitrator.

Running powers to be granted by Company to Intercolonial railway.

26. Except as in this Act otherwise provided, and subject thereto, the several enactments of "*The Grand Trunk Arrangements Act, 1862*," and of the several amendments thereto, so far as the same shall not have been already carried into effect, and the rights and priorities declared by that Act, shall be and remain in full force.

Act of 1862 to remain, except as hereby provided.

27. Nothing in this Act contained shall interfere with or affect the rights of the Dominion as they now exist upon the said railway Company, except as to the further equipment mortgage bonds No. 2, mentioned in section five, part one, and the new ordinary stock mentioned in section six, part two, of this Act.

Rights of the Dominion saved.

CHAP. 19.

An Act to incorporate the Huron and Ontario Transportation Company.

[Assented to 3rd May, 1873.]

WHEREAS Mossom Boyd, Alexander Smith, James Moore Irvine, Gardiner Boyd, and Mossom Boyd the younger, have by their petition prayed that they may be incorporated for the purpose of carrying on a forwarding, shipping agency and transportation business, to be called the "*Huron and Ontario Transportation Company*," and it is expedient to grant the prayer of their petition and to incorporate them with the powers hereinafter mentioned : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. The said Mossom Boyd, Alexander Smith, James Moore Irvine, Gardiner Boyd and Mossom Boyd, the younger, and their associates, and all other persons who may hereafter become holders of the stock hereinafter mentioned, being British subjects, are hereby constituted a body politic and corporate by the name of the "*Huron and Ontario Transportation Company*," with all and every the incidents and privileges thereto belonging.

Incorporation.

Corporate name and powers.

Business of
the Company.

2. It shall be lawful for the said company to construct, acquire, charter, navigate and maintain steam or other vessels, for the carrying and conveyance of goods and passengers or other traffic between the ports of the Dominion of Canada and the ports of the lakes connected with and on the rivers falling into the River St. Lawrence; and between the ports in the Dominion of Canada and ports in the Island of Newfoundland and Prince Edward's Island, and in the United States of America and in the West Indies, or elsewhere, and any or all of them, and *vice versa*; and also steam or other vessels for all business and other purposes connected therewith, and the profitable prosecution thereof; with power to sell, charter or dispose of the said vessels or any of them, or grant or consent to bottomry or other bonds on the same or any part thereof when and as they may deem expedient; and to make contracts and agreements with any person or corporation whatever, for the purpose aforesaid, or otherwise for the benefit of the Company; and to carry on such business, including the general business of forwarding and shipping agency.

May hold
real property
for such
business.

3. It shall be lawful for the said Company to purchase, rent, take, hold and enjoy, to them and their successors, as well in this Dominion, as in other places where it shall be deemed expedient for the purposes of the said Company, either in the name of the said Company, or in the name of the trustees of the said Company, such lands, docks, wharves, warehouses, offices and other buildings as they may find necessary or convenient for the purposes of the said Company, but not for any other purpose; and to sell, mortgage, lease or dispose of the same when not wanted for the purposes of the said Company, and to purchase and acquire others in their stead.

Power to sell,
&c.

Capital and
shares.

4. The capital of the said Company shall be one hundred thousand dollars, and shall be divided into a thousand shares of one hundred dollars each; with power to a majority of such of the shareholders as shall be present, either in person or by proxy, at any general or special meeting of the Company, to increase the same at once, or from time to time, as may be expedient, to five thousand shares or five hundred thousand dollars. Not less than forty per centum upon the allotted stock of the Company shall by means of one or more calls be called and made payable, within one year from the incorporation of the Company, and the remainder of the said stock shall be called in and made payable in such manner and at such times as the Directors may require and demand. The Company may commence operations as soon as forty thousand dollars of stock shall have been paid up.

Power to in-
crease.

Calls.

When to com-
mence business

Directors and
qualification.

5. The business and affairs of the said Company shall be conducted and managed and its powers exercised by a board of five Directors (any three of whom shall constitute a quorum) to be annually elected by the shareholders; and who shall severally be shareholders to an amount of four thousand dollars of the said stock; and who shall be elected at the annual general meetings of the said Company by the shareholders there present in person or by proxy.

6. The Directors of the said Company may act as Directors in the Dominion or elsewhere, and shall and may appoint one or more agents in this Dominion or elsewhere, and for such time and on such terms as to them may seem expedient; and the Directors may by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such agent, by virtue of the powers in him vested by such by-law, shall be valid and effectual to all intents and purposes, as if done by such Directors themselves, anything in this Act to the contrary notwithstanding.

Directors may
appoint agents

7. The Directors shall have the power if they think fit, to receive and take into the stock of the Company any steam or other vessels owned or built by any other party or parties, assigning shares of the said Company in payment or part payment thereof: Provided that the assent of a majority in number and value of the stock-holders of the Company at a general meeting to be called for the purpose, shall be procured.

Directors may
take vessels
as stock.

Proviso.

8. The annual general meeting of the said Company shall be held in the office of the Company, in the Town of Port Hope, Province of Ontario, on the first Wednesday in February in each year, for the purpose of electing Directors, and for transacting the general business of the Company.

Annual meet-
ing and chief
office.

9. No shareholder of the Company shall in any manner be liable to, or charged with the payment of any debt or demand due by the Company, beyond the amount of his or her subscribed share or shares in the capital stock of the Company: and no shareholder shall be at liberty to transfer his or her share or shares, without the consent of a majority of the Directors previously had and obtained, until the whole of the said capital stock shall have been fully paid up.

Liability of
shareholders
limited.

10. The provisions of the "*Canada Joint Stock Companies General Act to Clauses Act 1869*," except section eighteen thereof, and except in so far as they are inconsistent with the provisions hereof, shall apply to the Company hereby incorporated.

General act to
apply.

CHAP. 20.

An Act to amend the Act incorporating the Isolated Risk Fire Insurance Company of Canada, and to change the name of the said Company to "The Isolated Risk and Farmers' Fire Insurance Company of Canada."

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS the Isolated Risk Fire Insurance Company of Canada have, by their petition, represented that they have entered into an agreement with the Provisional Directors of the Cultivators' Insurance Company of the Province of Quebec, whereby the last named company have agreed to surrender their charter, and combine their interests with those of the first mentioned Company, conditionally upon certain amendments being made to the Act of incorporation of the said Isolated Risk Fire Insurance Company, specified in the said agreement; and that they are desirous of obtaining the said amendments, and also certain other changes in the said Act necessary to insure the more efficient working of the Company; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name of Company changed.

1. The name and style of the said Company is hereby changed to "The Isolated Risk and Farmers' Fire Insurance Company of Canada." Provided, nevertheless, that policies may continue to be issued by the Isolated Risk Fire Insurance Company under its original name, until it shall be prepared to issue policies under the new designation.

New provision as to number and election of directors.

2. The number of Directors shall be increased to twenty-two; one half of whom shall be chosen from the list of shareholders in the Province of Quebec, and one half from the shareholders in the Province of Ontario; and the Directors for each Province shall be nominated by the shareholders in such Province, at a special meeting to be held for the purpose at Toronto for the Province of Ontario, and at Montreal for the Province of Quebec ten days before the general annual meeting of the shareholders to be holden at Toronto,—the first such special meeting to be called by the Secretary, and subsequent special meetings to be called by the Secretary for Ontario shareholders, and by the Vice-President for the Province of Quebec for the shareholders of the Province of Quebec, and to be announced at least ten days before the day of meeting by advertizements published in French newspapers at Montreal and Quebec for the Quebec meeting and in a newspaper at Toronto for the Ontario meeting: and the persons so nominated and chosen as Directors in the two Provinces, shall be accepted at the annual meeting at Toronto as the Directors of the Company for the next ensuing year, and their names shall be announced as

such

such by the Secretary to the shareholders, at the general annual meeting; and their names shall be entered on the minutes of the meeting as the Directors elected for the next ensuing year.

3. In order to carry into effect at the earliest date the provisions of this Act, the present Directors of the Isolated Risk Insurance Company shall on some day to be fixed by a resolution of the Board, and not later than one month after the acceptance by the intending Quebec shareholders of the shares to be vested in them under the terms of the agreement referred to in the preamble, vacate their seats; and meetings shall be called at Toronto and Montreal for a day, ten days before such vacation, at which meetings Directors shall be nominated for the current year; and the persons so nominated shall, from and upon such vacation, be the Directors for the current year, and the proceedings taken to carry out this provision shall be, as far as possible, in accordance with those prescribed in the preceding section of this Act; and for that purpose a general meeting of the shareholders shall be called for the day so fixed by the Board of Directors as aforesaid.

Present Directors to retire.

General meeting for election of Directors.

4. Any vacancy occurring during any year shall be filled by the election of a Director by the Directors resident in the Province to which the vacant seat belonged; and a meeting of such Directors shall be called by the Secretary, for the purpose of such election, within one month after the occurrence of the vacancy; and such meeting shall be held at Toronto for the Province of Ontario, and at Montreal for the Province of Quebec.

Vacancies, how filled.

5. When less than one-fourth of the stock is held in either of the Provinces of Ontario and Quebec, the whole of the Directors shall be elected at the general annual meeting, as provided in the Act of incorporation: Provided that one-half of the Directors shall, notwithstanding, continue to be elected from among the shareholders in each of the said Provinces.

Provision when less than one-fourth of the stock is held in either Province.

6. There shall be two Vice-Presidents,—one for the Province of Ontario, and one for the Province of Quebec, each being chosen from among the Directors for his Province: the policies for the Province of Quebec shall be signed by the Vice-President for that Province, as well as by the President and Secretary; the policies shall be issued in the French or English language, at the instance of the insured, as indicated by the local agents in the applications.

Vice-Presidents.

Policies in Quebec.

7. As soon as the conditions of the "Act respecting insurance Companies" are complied with, as to the deposit of one hundred thousand dollars with the Government, it shall be competent for the Directors to declare and pay such a dividend as the finances of the Company may justify, and to continue to declare dividends from time to time half yearly: Provided always, that by so doing they shall not in any way impair their paid up capital stock.

When dividend may be declared.

Proviso.

8. All provisions of the Act of incorporation inconsistent with the terms of this Act, are hereby varied so far as is necessary to give effect to the provisions of this Act.

As to inconsistent enactments.

CHAP. 21.

An Act to incorporate the Empire Fire and Marine Insurance Company of Canada.

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS Arthur M. Jarvis, the Honorable Archibald McKellar, Nathaniel Dickey, William McGiverin, George Cox, Egbert A. Smith, Moses Staunton, James Watson and John McBean have by their petition represented that the establishment of an association for the insurance of buildings and other property on land and also for the insurance of vessels and other property on water, would be beneficial to the interests of the Dominion and promote the extension of that business in the hands of Canadians; and have prayed that they may be incorporated for the purpose of carrying on a business of that description by the name and style of the "Empire Fire and Marine Insurance Company of Canada;" and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said Arthur M. Jarvis, the Honorable Archibald McKellar, Nathaniel Dickey, William McGiverin, George Cox, Egbert A. Smith, Moses Staunton, James Watson and John McBean, and all such persons as hereafter shall become shareholders of the said Company shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name by the style and title of the "Empire Fire and Marine Insurance Company."

Corporate name.

Capital stock and shares.

2. The capital stock of the said Company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided always that it shall and may be lawful for the said Company to increase its capital stock to such sum not exceeding one million dollars, as a majority of the shareholders, at a special general meeting to be expressly convened for that purpose, shall agree upon.

Increase of shares.

Provisional Directors.

Stock books to be opened.

3. For the purpose of organizing the said Company the persons named in the preamble to this Act shall be Provisional Directors thereof; and they, or a majority of them, may cause stock books to be opened after giving due public notice thereof; upon which stock books shall be recorded the subscriptions of such persons as desire to become shareholders in the said Company; and such books shall be opened in the city of Toronto, and elsewhere, at the discretion of the said Provisional Directors, and shall be kept open so long as they may deem necessary.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of the shareholders at some place to be named, in the City of Toronto, giving at least twenty days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city; at which general meeting the shareholders present in person or by proxy shall elect nine Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors and shall hold office until the first annual meeting.

First meeting of shareholders, for election of directors.

5. The shares of capital stock subscribed for shall be paid in and by such instalments, and at such times and places, as the said Directors shall appoint; no such instalment shall exceed ten per cent., of which call two months' notice shall be given; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always that it shall not be lawful for the said Company to commence the business of insurance until the sum of not less than two hundred and fifty thousand dollars shall have been subscribed and twenty per cent. thereof shall have been paid in on account of such subscribed stock.

Calls on stock.

When to commence business.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by nine Directors, one of whom shall be chosen President, who, except as is hereinbefore provided for, shall hold office for one year; which Directors shall be shareholders, and shall be elected at the annual general meeting of shareholders to be holden at Toronto, on the first Wednesday in July in each year or such other day as may be appointed by by-law,—not less than twenty days' notice of such meeting being given as provided in section four; and the said election shall be held and made by such of the shareholders present in person or by proxy, as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot; and the nine persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons shall have an equal number of votes, in such a manner that a greater number of persons shall appear to be chosen Directors, then the Directors who shall have a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of nine: and the said Directors, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be the President, and one to be Vice-President: and if any vacancy should at any time happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors, or the majority of them, electing in such place or places a shareholder

Election of Directors.

Election of President.

Vacancies, how filled.

Proviso :
qualification
of directors.

holder or shareholders eligible for such office : Provided always that no person shall be eligible to be or continue as Director unless he shall hold, in his name and for his own use, stock in the said Company to the amount of ten shares, whereon at least ten per cent. shall have been paid, and shall have paid all calls made upon his stock, and all liability incurred by him to the Company.

Provision in
case of failure
of election.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved ; but it shall be lawful on any other day, to hold and make an election in such manner as may be regulated, directed and appointed by the Directors for the time being, and the Directors in office shall so continue until a new election is made.

Votes and
proxies at gen-
eral meetings.

8. At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him, not less than fourteen days prior to the time of voting, upon which all calls then due have been paid : such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder ; and no shareholder shall be entitled to give more than one hundred votes upon proxies held by him. And all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes : Provided that no clerk of the said Company shall vote either in person or by proxy, at the election of Directors.

Casting vote.
Proviso.

Company may
insure vessels
and freight.

9. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage of or to sea or lake going ships, boats, vessels, steamboats or other craft, or any ships, boats, vessels, steamboats or other craft navigating to or from the ocean, seas, lakes, rivers, high seas or any other navigable waters whatsoever, from any port or ports in Canada, to any other port or ports in Canada, or to any foreign port or ports upon the ocean, lakes, rivers or other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the seas, lakes, rivers and navigable waters aforesaid ; or against any loss or damage or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof ; or of or to timber or other property of any description conveyed in any manner upon the ocean or upon all or any of the seas, lakes, rivers and navigable waters aforesaid ; or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with marine insurance, on all or any of the seas, lakes, rivers and navigable waters aforesaid, and to make and grant policies therein and thereupon : and the said Company

in like manner shall have power to effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and also on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums and considerations and under such modifications and restrictions, and upon such conditions as may be bargained or agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; or to insure any other insurance company against any loss or risk which such other company have incurred in the course of their business, and generally to do and perform all other necessary matters and things connected with and proper to promote those objects. And all contracts or policies of insurance issued or entered into by the said Company shall be under the seal of the said Company, and shall be signed by the President, Vice-President or Managing Director for the time being, and countersigned by the Manager or Secretary or otherwise, as may be directed by the by-laws, rules and regulations of the Company, in case of the absence of any of the said parties; and being so sealed, signed and countersigned shall be deemed valid and binding upon them according to the tenor and meaning thereof. And the chief place of business of the said Company shall be in Toronto, or in such other place in Canada as may be agreed on at a special general meeting convened for the purpose. No insurance shall be effected by them in any Province or place other than the Province of Ontario, until the Company shall have established an office in such other Province or place, with a local agent; and in that case the service of process in such other Province may be made at such local office or upon such local agent personally.

May insure against loss by fire.

Re-insurance.

Policies, form of.

Where insurance shall be effected.

10. It shall be lawful for the said Company to appoint under the corporate seal of the Company, resident agents at any port or place within the Dominion of Canada or elsewhere, for the purpose of effecting, at such port or place, marine insurance and insurances against losses by fire in the foregoing sections of this Act described, subject to such conditions, restrictions and provisions as the said Company shall from time to time establish and impose.

Appointment of local agents.

11. It shall and may be lawful for any person or persons or body politic or corporate to subscribe for such and so many shares as he, she or they may think fit, not, however, exceeding during the first month after the subscription books are opened, one hundred shares: Provided, nevertheless, that after the expiration of such first month there shall be no limitation to the subscription for or acquisition of any number of shares.

Subscriptions for shares.

Proviso.

12. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously

Provision in case of non-payment of calls.

viously paid thereon, in such manner as may be provided by the by-laws ; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct ; and the moneys arising therefrom shall be applied for the purposes of this Act : Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest thereon, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner ; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Proviso.

Recovery of calls on stock : what only need be alleged and proved.

13. If payment of such arrears of call, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof ; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act ; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act ; and it shall not be necessary to prove the appointment of the Directors who made such calls or any other matter whatsoever other than what is hereinbefore mentioned. A copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company certified to be a true copy or extract, under the hand of the President or a Vice-President, or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry, without further proof thereof, and without proof of the official character or signature of the officer signing the same or of the corporate seal.

Evidence of by-laws, &c.

Quorum of Directors and votes.

14. At all meetings of Directors five shall be a quorum for the transaction of business ; and all questions before them shall be decided by a majority of votes ; and in case of equality of votes, the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director.

Annual general meetings.

15. At the annual meeting of the shareholders the election of Directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting : and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as shall be required by the by-laws shall be laid before the shareholders.

Special general meetings.

Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws ; and at all meetings of the shareholders the President, or in his absence the Vice-President, or in the absence of both of them, a Director chosen by the shareholders shall preside, who, in case of an equality of votes,

President.

votes, shall give the casting vote, in addition to his vote as a shareholder.

16. The Directors shall have full power and authority to make, Powers of Directors. and from time to time to alter, such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well ordering of the Company, the management and disposition of its stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors, the appointment of a Managing Director, and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards; the making of calls upon the subscribed capital; the appointment and removal of officers and agents of the Company, the regulation of their duties and powers, and the salaries to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of Directors; and the establishment and regulation of agencies: Proviso. Provided always that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting; and provided further that such by-laws do not Proviso. contravene the provisions of this Act.

17. The Company shall have power to acquire and hold real Company may hold real estate for its business: and other property in certain cases. estate for the purpose of its business within the Dominion of Canada of an annual value not exceeding ten thousand dollars, and to sell or dispose of the same, and acquire other property in its place, as may be deemed expedient; and to take, hold and acquire all such other lands and tenements, real or immovable estate, as shall have been *bond fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgment which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof, or of the owners thereof, and to retain the same for a period not exceeding ten years: and the Company may invest its funds or Investment of funds of company. any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign state or states,—such investments in the securities of foreign states not to exceed fifty per cent. of the capital stock of the Company,—or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or such other securities as may be approved of by the Directors.

18. No transfer of any share of the stock of the said Company Transfer of shares. shall be valid until entered in the books of the said Company according to such form as may from time to time be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Proviso. Provided always that no shareholder

shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors, and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Liability of shareholders limited.

19. In the event of the property and assets of the said Company being insufficient to liquidate its debts, liabilities and engagements the shareholders shall be liable for the deficiency, but to no greater extent than the amount of the balance remaining unpaid upon their respective shares in the capital stock: Provided always that nothing in this section shall be construed to alter or diminish the additional liabilities of the Directors of the Company herein provided for.

Dividends.

20. The Directors of the Company may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends ; and also may by resolution order that the holders of policies or other instruments shall be paid such portion of the actual realized profits, in such proportions, at such times and in such manner, as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise : Provided always, that the holders of policies or other instruments so participating in the profits shall not be in anywise answerable or responsible for the debts of the said Company.

Policy holders may participate in profits.

This Act to be subject to provisions of 31 V., c. 48, and 34 V., c. 9, and other Acts.

21. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled, "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance as may from time to time be passed.

CHAP. 22.

An Act to amend the Act fourteenth and fifteenth Victoria, chapter thirty-six, incorporating "The Canada Guarantee Company."

[Assented to 3rd May, 1873.]

Preamble. 14-15 V., c. 36.

WHEREAS the Canada Guarantee Company have, by their petition, prayed for an Act to amend certain sections of the Act incorporating the said Company, to wit : fourteenth and fifteenth Victoria, chapter thirty-six ; and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with

with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Section five of the said Act is hereby repealed, and the following substituted in lieu thereof: "At all general meetings of the said Company, each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due shall have been paid; such votes may be given either in person or by proxy,—the holder of such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the Chairman presiding at such meeting having the casting vote in case of an equality of votes."

S. 5, as to votes, repealed; new section substituted.

2. The following words in section twenty-four: "And that an annual general meeting of the shareholders shall be held on the first Monday, or if that shall be a holiday, then on the first Tuesday of the month of July in every year," are hereby repealed, and the following substituted in lieu thereof: "And an annual general meeting of the shareholders shall be held on the second Monday in the month of December in each and every year, or upon such other day as the Directors by by-law shall appoint."

Part of s. 24, as to meetings, repealed; new provision made.

3. Section twelve of the said Act shall be amended by inserting the words "the Dominion of Canada and elsewhere," instead of "this Province."

S. 12 amended

4. Section thirty of the said Act is hereby repealed, and the following substituted in lieu thereof: "The first ten per centum of the subscribed and paid up capital stock of the Company shall constitute the commencement of a fund to be kept apart from the other funds and property of the Company, and be called 'The Shareholders' Fund,' which shall receive all instalments of the capital; and the expenses of instituting the Company shall in the first place be advanced therefrom: all premiums to be received by the Company, and the whole returns and income arising from the business thereof, and the interest and accumulations thereof shall form a separate fund called 'The Guarantee Fund,' which shall, as between the shareholders, be primarily liable for all claims and demands on the Company in respect of its guarantees, and of its whole other business and expenses of management: and 'the Shareholders' Fund' shall be liable for a deficiency of 'the Guarantee Fund' but shall, as between the shareholders, never be resorted to after the expenses of the first institution of the Company shall have been defrayed, until 'the Guarantee Fund' shall be exhausted; and all sums so taken from 'the Shareholders' Fund' shall, as soon as possible, be replaced from 'the Guarantee Fund.'"

S. 30, as to shareholders' Fund and Guarantee Fund repealed; new section substituted.

5. Section thirty-one and section thirty-two of the said Act are hereby repealed, and the following substituted in lieu thereof: "No dividend or bonus shall ever be made so as to impair the paid-up capital."

Ss. 31 and 32, as to dividend and bonus repealed; new section.

Proviso, 31 V.,
c. 48 to apply.

paid-up capital stock of the said Company; but the Directors of the Company for the time being are hereby empowered to declare and pay dividends and bonuses upon the capital stock from time to time, as they shall think proper, out of the profits of the Company: Provided always that until the amount required by the provisions of the Act thirty-first Victoria, chapter forty-eight, intituled '*An Act respecting Insurance Companies*,' shall have been deposited in accordance therewith, one moiety of the profits shall be applied for the purpose of making such deposit."

Bonds of the
Company may
be accepted by
the Govern-
ment.

6. The guarantee bonds of the said Company, in such form as may be approved by the Governor in Council from time to time, may be accepted by the several Departments of the Government of the Dominion of Canada, for the faithful discharge of the duties of the officers and employees of the said Government.

CHAP. 23.

An Act to incorporate the Maritime Improvement Company of the Dominion of Canada.

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS James Domville, M.P., Jeremiah Harrison, George McKean, William Davidson, Thomas E. Grindon, William Henry Thorne, James Scovil and others, have, by their petition, represented that they are desirous of organizing a company for the purpose of undertaking the building and construction of works of various kinds throughout the Dominion of Canada, and have prayed that they may be incorporated for that purpose, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain per-
sons incor-
porated

1. James Domville, M.P., Jeremiah Harrison, George McKean, William Davidson, Thomas E. Grindon, William Henry Thorne and James Scovil, with all such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and they are hereby constituted a body corporate and politic by the name of the "Maritime Improvement Company of the Dominion of Canada," and the words "the Company," when used in this Act shall mean the "Maritime Improvement Company of the Dominion of Canada," hereby incorporated.

Name.

Interpreta-
tion.

Powers of the
Company for
construction
o works.

2. The Company shall have power to contract with any person, firm, company or corporation to build and construct by its agents, employees or sub-contractors, any house, church or building, of any nature or kind whatsoever, or any wharf or any telegraph line, canal lock or other public improvement, requiring mechanical work,

work in any part of the Dominion of Canada; and to supply and furnish all needful materials, labor, implements, instruments and fixtures of any and every kind whatsoever requisite for any such work; and to use any such work pending the construction thereof.

3. The Company may receive in payment of such work the bonds and securities of other companies, and sell and otherwise use or negotiate the same; and may receive and hold real estate for its own purposes of an annual value not exceeding four thousand dollars; and may hold real estate or mortgages thereon as security for moneys due thereon.

Bonds may be taken in payment.

Real estate.

4. The capital stock of the Company shall be two hundred thousand dollars, which amount may be raised by the parties herein named, and such other parties as may become shareholders in the said stock; and such capital may be increased from time to time by the shareholders under the by-laws of the Company, as the works undertaken by the Company may render necessary: Provided always that no such increase shall take place until the stock previously subscribed for shall be paid in full.

Capital stock and increase.

Proviso.

5. So soon as the capital stock of the Company shall have been subscribed and ten per cent. paid thereon, and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors, or a majority of them, shall call a meeting of the shareholders at such time and place in the City of Saint John, in the City and County of Saint John and Province of New Brunswick, as they may think proper, giving at least two weeks' notice in one newspaper published in the said city; at which general meeting and at the annual general meetings in the following sections mentioned, the shareholders present, either in person or by proxy, shall elect by ballot such number of Directors not less than five nor more than nine as shall then be decided by the shareholders.

First meeting of shareholders.

Election of Directors.

6. The Company may become parties to promissory notes and bills of exchange for sums not less than one hundred dollars to be executed as provided by the by-laws: and the Directors may, from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on behalf of the Company, at such rates of interest and upon such terms as they may think proper, and the Directors may for that purpose make, or cause to be made, bonds or other instruments under the common seal of the Company, for sums not less than one hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached: Provided that the aggregate of the sums so borrowed shall not at any time exceed the amount of the paid-up capital of the Company for the time being, and no lender shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted; and, Provided also, that nothing in this section shall be construed

Company may make promissory notes and borrow money.

Proviso as to amount.

construed

Proviso ; not
to issue bank
notes.

construed to authorize the said Company to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as the notes, or bills of a bank.

Provisional
Directors ;
their powers
and duties.

7. James Domville, M.P., Jeremiah Harrison, George McKean, William Davidson, Thomas E. Grindon, William Henry Thorne and James Scovil shall be the Provisional Directors of the Company, and shall hold office as such until other Directors shall be appointed under the provisions of this Act by the shareholders; and it shall be their duty to open stock books and procure subscriptions for the undertaking; to allot stock to the subscribers thereof; to call a general meeting of the shareholders for the election of other Directors as herein provided; and generally to do all such other acts as shall be necessary for the complete organization of the Company.

Company may
make by-laws
for certain
purposes.

8. The Company shall have power to make by-laws not inconsistent with law, or with the provisions of this Act, providing for the execution of all deeds, instruments and contracts, including promissory notes and bills of exchange, and bonds which they are authorized to make under this Act; for the appointment and dismissal of officers, and the regulation of their functions and duties; fixing the number and qualifications of the Directors; the day of annual meeting; and the mode of calling and holding general and special meetings of the shareholders; the mode and right of voting at such meetings; the making of such calls; the declaration of dividends; the making of contracts; the increase of the capital stock; and all other matters respecting the internal economy, administration and management of the said Company.

32-33 V., c. 12,
to apply.

9. The provisions of "*The Canada Joint Stock Companies Clauses Act, 1869*," shall apply to this Act, except in so far as they may be inconsistent with the provisions thereof.

CHAP. 24.

An Act to amend the Charter of the Dolphin Manufacturing Company.

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS the Dolphin Manufacturing Company, incorporated by letters patent, under the Great Seal, dated the twenty-third day of July, 1872, under the provisions of the "*Canada Joint Stock Companies' Letters Patent Act, 1869*," for the purpose of mining barytes and other minerals, ores or earths used in the manufacture of pigments, and of manufacturing the same, and disposing thereof, and of the products thereof, having their chief place
of

of business at Five Islands, in the Province of Nova Scotia,—have by their petition represented that they are desirous of obtaining authority to increase the capital stock of the said Company, to transfer the chief place of business to St. Catherines, in the Province of Ontario, and to open such other offices and place of business in different parts of the Dominion, as may be necessary for their operations; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Board of Directors of the Dolphin Manufacturing Company may, with the consent of the shareholders first had and obtained at an annual meeting, or at a special general meeting called for the purpose, increase the capital stock to the extent of forty thousand dollars over and above the amount of the original capital,—such additional stock to be divided into four hundred shares of one hundred dollars each. Capital stock may be increased.

2. Such stock may be issued or allotted by the Directors, from time to time, at par, or at such rate of premium or of discount as they may, from time to time, determine; but no stock may be issued below par, until the consent of the majority of the shareholders shall have been obtained at an annual meeting, or at a special general meeting called for that purpose, after due notice: in other respects the new stock so issued shall be subject to the terms and provisions of the charter of the Company with reference to the original capital stock. New stock, how issued.

3. The Directors may allot the whole or any part of such stock *pro rata* among the shareholders on the books of the Company at the date of such allotment, who may desire to subscribe for the same. May be allotted to shareholders.

4. The said Company may, for the purpose of carrying on their business, and more fully carrying out the objects of their charter, acquire and hold, by purchase, lease, or otherwise, any lands, tenements, rights and personal property, in any part of the Dominion of Canada, and may alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, as occasion may require, on such terms and conditions as they may see fit; and may build and construct such houses, buildings and works, as may be deemed for the advantage of the Company. Company may hold real and personal estate.

5. The chief place of business of the Company shall be in the town of St. Catherines, in the Province of Ontario. Chief place of business.

6. The Directors may establish agencies and offices for transacting the business of the Company in such other places as to them may seem proper and necessary; and may appoint such agents as the business of the Company may require, and may empower them to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them may lawfully do, perform or exercise, except the power of making by-laws; Agencies, and powers of agents.
and

and all things done by any such agent by virtue of the powers so vested in him by the Directors, shall be valid and effectual to all intents and purposes, as if done by such Directors themselves.

General meet-
ings, when
held.

Stock and
transfer
books.

7. General meetings of the shareholders may be held at any of the places of business so established, provided a by-law to that effect shall have received the sanction of a majority of the shareholders present at a special general meeting of the Company, held at the ordinary place for such meetings, after due notice thereof, or at any annual meeting of the Company; and the Directors may cause books to be opened at any of their agencies, for the registration of subscriptions and transfers of stock.

32-33 V., c. 13,
to apply.

8. The provisions of the "*Canada Joint Stock Companies Letters Patent Act, 1869*," shall apply to this Act, in so far as the same are applicable thereto.

CHAP. 25.

An Act to enable James McNabb, of the Township of Bosanquet, to obtain an extension of his Patent for a Horizontal Car Coupler.

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS James McNabb, of the Township of Bosanquet (formerly of the Town of Owen Sound, in the County of Grey), hath, by his petition, represented that by letters patent, under the Great Seal of the late Province of Canada, dated the twelfth day of October, one thousand eight hundred and fifty-seven, he became the patentee of a horizontal car coupler, of which he was the original inventor; that the said invention has not been remunerative to the patentee; that the petitioner applied for an extension of his patent on the eleventh day of October, in the year one thousand eight hundred and seventy-one, but inasmuch as he had failed to petition the Governor more than six months prior to the expiration of the said letters patent and to publish the notice required by the sixteenth section of chapter thirty-four of the Consolidated Statutes of Canada, under which the original patent had issued, a legal patent could not be granted; and whereas the said James McNabb has petitioned for an Act to enable him to obtain an extension of the said letters patent; and it is expedient to grant his prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of
patent may be
granted to

1. Notwithstanding anything to the contrary contained in section sixteen of chapter thirty-four of the Consolidated Statutes of Canada,

Canada, it shall be lawful for the Commissioner of Patents, upon an application to that effect, to issue to the said James McNabb, ^{James McNabb.} a patent extending his said patent for a period of seven years from the twelfth day of October, one thousand eight hundred and seventy-one.

2. Any person who, by use or otherwise, shall, within the period between the expiration of the said letters patent on the twelfth day of October, one thousand eight hundred and seventy-one, and the extension of the same under this Act, have acquired any right in respect of such invention shall continue to enjoy the same to all intents and purposes as if this Act had not been passed. ^{Saving rights of certain persons having used the invention.}

CHAP. 26.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Public Service, for the financial years ending respectively, the 30th June, 1873, and the 30th June, 1874, and for other purposes relating to the Public Service.

[Assented to 23rd May, 1873.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency the ^{Preamble.} Right Honorable Sir Frederick Temple, Earl of Dufferin, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and seventy-three, and the thirtieth day of June, one thousand eight hundred and seventy-four, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:—

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole seven hundred and ninety-two thousand eight hundred and sixty-four dollars and eighty-two cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-two, to the thirtieth day of June, in the year of our Lord one thousand eight hundred and seventy-three, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said Schedule mentioned. ^{\$792,864.82 appropriated for year ending 30th June, 1873, as per Schedule A.}

2.

\$22,261,970.38
appropriated
for year end-
ing 30th June,
1874, as per
Schedule B.

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole twenty-two million two hundred and sixty-one thousand nine hundred and seventy dollars and thirty-six cents, towards defraying the several charges and expenses of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and seventy-three, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and seventy-four not otherwise provided for, and set forth in the Schedule B to this Act, and for other purposes in the said Schedule mentioned.

Accounting
clause.

3. A detailed account of the sums expended under the authority of this Act, shall be laid before the House of Commons of Canada, during the first fifteen days of the then next Session of Parliament.

SCHEDULE A.

Sums granted to Her Majesty by this Act for the financial year ending 30th June, 1873, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	\$ cts.	\$ cts.
Agents Marine and Fisheries, and Public Works Department, Victoria, B. C., and Contingencies.....		6,000 00
ADMINISTRATION OF JUSTICE.		
Further to provide for Administration of Justice, Manitoba, North-West Territories, and British Columbia.....		25,000 00
POLICE.		
Quebec Water Police, to provide for addition to force	7,700 00	
Montreal Water Police, do do	3,300 00	11,000 00
LEGISLATION.		
To provide for excess cost for printing and binding the Statutes, in consequence of the unexpectedly increased bulk.....		4,500 00
ARTS, AGRICULTURE AND STATISTICS.		
To provide for expenses incurred in connection with the organization of the Patent Record		2,000 00
PUBLIC WORKS AND BUILDINGS. (Chargeable to Capital.)		
Further aid to construct Railway from the Acadia Iron Mines, Londonderry, N.S., to the Intercolonial Railway.....	4,000 00	
Intercolonial Railway, 100 platform cars	67,125 00	
Pacific Railway Survey	350,000 00	421,125 00
PUBLIC WORKS AND BUILDINGS. (Chargeable to Income.)		
Red River Road	46,000 00	
Repairs, &c., Public Buildings	35,000 00	
Public Buildings generally	5,000 00	
To provide for purchase of land required for the Examining Warehouse, Montreal	78,843 20	164,843 20
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
Further required for maintenance of steamers and extraordinary repairs to the "Sir James Douglas"		5,000 00
Carried forward.		639,468 20

SCHEDULE A.—Continued.

SERVICE.	Amount.	To
<i>Brought forward</i>	\$ cts.	639,
PENITENTIARIES.		
QUEBEC PENITENTIARY.		
Further required in the fiscal year for :		
Salaries and maintenance	15,000 00	
Organization	34,910 00	49,
LIGHT HOUSES AND COAST SERVICE.		
Salaries and maintenance of Light Keepers, &c. :—		
Nova Scotia	8,500 00	
Below Quebec	5,000 00	
Between Quebec and Montreal (including repairs of steamer "Richelieu")	5,000 00	18,
MISCELLANEOUS.		
Expenses in connection with the burial of the bodies recovered from the wreck of the steamship <i>Atlantic</i> , providing coffins, &c., and for conferring rewards on the Rev. Mr. Ancient, and the other inhabitants in the vicinity of Prospect Cape, who rescued and provided for the persons saved from the wreck		3,
COLLECTION OF REVENUES.		
CUSTOMS.		
To meet the probable increase of expenditure at the Port of Montreal and the other principal ports of the Dominion		10,
UNPROVIDED ITEMS.		
(<i>Vide</i> Public Accounts 1871-72, Part ii, page 437.)		
NEW MILITIA PENSIONS.		
Excess of Expenditure over Appropriation	80 00	
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
Allan Line, Halifax to Cork—Excess of Expenditure over Appropri- ation	0 64	
PUBLIC WORKS AND BUILDINGS, CHARGEABLE TO CAPITAL.		
<i>Pacific Railway Survey.</i>		
Excess of Expenditure over Appropriation	19,576 48	
COLLECTION OF REVENUES.		
<i>Public Works.</i>		
New Brunswick Railways—Excess of Expenditure over Appropriation	50,752 08	
Ontario and Quebec, Maintenance—Excess of Expenditure over Appropriation	1,577 42	
	52,329 50	71,9
Total		792,

SCHEDULE B.

Sums granted to Her Majesty by this Act, for the financial year ending 30th June, 1874, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CHARGES OF MANAGEMENT.		
	\$ cts.	\$ cts.
Financial Inspector	2,600 00	
Office of Assistant Receiver General, Toronto	6,000 00	
do do Montreal	5,500 00	
Auditor and do Halifax, N.S.	10,500 00	
do do St. John, N.B.	7,500 00	
do do Fort Garry	4,000 00	
do do Victoria, B.C.	9,000 00	
Country Savings Banks, New Brunswick, Nova Scotia and British Columbia.....	3,450 00	
	4,000 00	
	1,000 00	
Special Tenure and Commission	6,000 00	
		59,550 00
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office	5,882 50	
The Department of the Queen's Privy Council for Canada	11,650 00	
do Justice	9,550 00	
do Militia and Defence	30,480 00	
do Secretary of State	27,727 50	
do do for the Provinces	16,920 00	
do Receiver General	17,247 50	
do Finance	45,460 00	
do Customs	24,835 00	
do Inland Revenue	19,775 00	
do Public Works	41,360 00	
The Post Office Department	66,410 00	
The Department of Agriculture	30,630 00	
Department of Marine and Fisheries	20,015 00	
Treasury Board Office	3,150 00	
Marine and Fisheries Department Agencies	15,200 00	
Dominion Lands Office, Manitoba	4,800 00	
Public Works Department, British Columbia	4,000 00	
Departmental Contingencies	150,000 00	
Stationery Office, for Stationery	15,000 00	
To meet the possible amount required for new appointments by an extension of the Staff, or other change	10,000 00	
		570,192 50
ADMINISTRATION OF JUSTICE.		
Miscellaneous	10,000 00	
Circuit Allowances, British Columbia	5,000 00	
do Manitoba	2,000 00	
		17,000 00
POLICE.		
Police of the Dominion	25,000 00	
Water Police, Montreal	13,396 00	
River Police, Quebec	20,200 00	
		58,596 00
Carried forward		705,337 50

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$
<i>Brought forward</i>	705,34
LEGISLATION.		
SENATE.		
Salaries and Contingent Expenses of the Senate	43,268 00	
HOUSE OF COMMONS.		
Salaries and Contingencies per Clerk's Estimate	77,515 00	
Salaries and Contingencies per Sergeant at Arms' Estimate.....	33,130 00	
MISCELLANEOUS.		
Grant to Parliamentary Library	6,000 00	
Printing, Binding and Distributing the Laws.....	11,000 00	
Printing, Printing Paper and Bookbinding.....	35,000 00	
Contingencies of the Clerk of the Crown in Chancery.....	1,000 00	
Miscellaneous Printing	2,000 00	
To provide for Maps required for the use of the Railway Committee...	2,800 00	
		211,71
GEOLOGICAL SURVEY AND OBSERVATORIES.		
To provide for the purchase of a Diamond Borer.....	6,000 00	
OBSERVATORIES.		
Observatory, Quebec.....	2,400 00	
do Toronto.....	4,800 00	
do Kingston.....	500 00	
do Montreal.....	500 00	
do Halifax (Revote).....	1,500 00	
do New Brunswick.. ..	1,000 00	
Grant for Meteorological Observatories, including instruments and cost of Telegraphing Weather Warnings.....	37,000 00	
Rebuilding Observatory, Quebec (Revote \$4,000).....	7,000 00	
To provide Signal Stations and Semaphores from Cape Gaspé to Father Point, and Telegraph Signals and Weather Warnings from Point Lepreaux to St. John, N.B.....	4,000 00	
		64,70
ARTS, AGRICULTURE AND STATISTICS.		
Salaries and Contingent Expenses of Statistical Office, Halifax	4,100 00	
Salaries of 316 Deputy Registrars, Province of Nova Scotia, and allowance for getting Marriage Returns.....	1,880 00	
To meet expenses in connection with the care of Archives.....	4,000 00	
To meet expenses in connection with the organization of the Patent Record	4,000 00	
To meet the possible amount required in the fiscal year for the Census, i.e. the unexpended balance of the year 1872-73, which is to be carried forward, and which is estimated at \$130,000.....	130,000 00	
		143,980
<i>Carried forward</i>	1,125,730

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		1,125,730 50
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés	21,050 00	
do do Travelling Agents	12,000 00	
Medical Inspection of the Port of Quebec	2,600 00	
Quarantine, Grosse Isle	12,900 00	
do St. John, N. B.	3,400 00	
do Miramichi, N. B.	1,000 00	
do Halifax, N. S.	5,260 00	
do Pictou, N. S.	1,000 00	
To meet expenses of further precautionary measures for the Public Health	20,000 00	
Contingencies of Canadian and other regular Agencies	14,000 00	
Travelling expenses of Travelling Agents	14,000 00	
Grants in aid of the Provinces towards encouraging Immigration	70,600 00	
Towards assisting Immigration, and meeting Immigration Expense	150,000 00	
		327,210 00
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec	24,000 00	
Marine Hospitals, New Brunswick and Nova Scotia, Hospital at St. Catharines, and Maintenance, &c., of Shipwrecked and Sick and Distressed Seamen at the several Ports of the Dominion	36,500 00	
To provide grant to Marine Hospital, Kingston, Ont.	500 00	
To provide for a Building to be used as a Hospital, at Arichat, N. S.	1,000 00	
		62,000 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly	400 00	
L. Gagné, Messenger do	72 00	
John Bright do	80 00	
Mrs. Antrobus	800 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern and four children	292 00	
Jane Lakey	146 00	
Rhoda Smith	110 00	
Janet Alderson	110 00	
Margaret McKenzie	80 00	
Mary Ann Richey and two children	336 00	
Mary Morrison	80 00	
Louise Prud'homme and two children	110 00	
Virginie Charron and four children	150 00	
Paul M. Robins	146 00	
Charles T. Bell	73 00	
Alex. Oliphant	109 50	
Charles Lugsden	91 25	
John White	109 50	
Thomas Charters	91 25	
Charles T. Robertson	110 00	
Percy G. Routh	400 00	
Carried forward	3,896 50	1,514,940 50

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total
<i>Brought forward</i>	\$ cts. 3,896 50	1,514
NEW MILITIA PENSIONS.—Continued.		
Richard S. King	400 00	
George A. McKenzie	73 00	
Edward Hilder	146 00	
Fergus Scholfield	73 00	
John Bradley	109 50	
Richard Penticost	91 25	
James Bryan	109 50	
Jacob Stubbs	73 00	
Mary Connor	110 00	
Mary Hodgins and three children	191 00	
John Martin	110 00	
A. W. Stevenson	110 00	
Mrs. J. Thorburn	150 00	
Mrs. P. T. Worthington and children	378 00	
Mrs. J. H. Elliott and children	130 00	
Mrs. George Prentice and children	400 00	
Ellen Kirkpatrick and three children	266 00	
Ensign Fahey	200 00	
To grant a pension to Mary Hannah Tempest, widow of the late Dr. Tempest, and to her child, in consideration of the death of her son, Wm. Fairbanks Tempest, on whom she was dependent, and who was killed at Ridgeway, 2nd June, 1866	298 00	
COMPENSATION TO PENSIONERS.		
In lieu of land	9,000 00	1
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Capital.)		
DOMINION RAILWAYS.		
Intercolonial Railway	3,570,000 00	
Intercolonial Railway—Branch Line from Dorchester Station to Dorchester Island (Revote)	25,000 00	
Intercolonial Railway Construction	331,240 00	
Intercolonial Railway :—		
Deep Water Terminus at Father Point (Revote)	250,000 00	
Construction New Offices, Moncton, Workmen's Dwellings, Branch and Sidings, Water Supply, &c.	99,000 00	
Snow Sheds and Fences	40,000 00	
	389,000 00	
Extension Railway Terminus at Halifax, including Railway Wharf at Richmond Deep Water Terminus (Revote)	250,000 00	
Increased accommodation at St. John and Pointe du Chêne (Revote)	75,000 00	
Deep Water Wharf at St. John (Revote)	84,000 00	
	159,000 00	
Pacific Railway Survey	500,000 00	
CANALS.		
For works of construction ..	5,277,000 00	
PUBLIC BUILDINGS	362,000 00	
Total chargeable to capital		10,86
Carried forward		12,39

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward		12,394,495 25
PUBLIC WORKS AND BUILDINGS.		
(Chargeable to Income.)		
RAILWAYS.		
Railway Wharf (Dalhousie)	6,000 00	
Spring Hill Branch Line (Intercolonial).....	6,000 00	
	12,000 00	
CANALS.		
Additional Supply of Water and Improvement of Canal Basin, Ottawa (Revote).....	11,000 00	
Lock at Culbutes Rapids (Revote \$20,000)	70,000 00	
Houses, Superintendent and Lock Master—Chambly Canal --(Revote \$1,240)	2,000 00	
Miscellaneous Works ..	15,000 00	
Lideau Canal	12,000 00	
	110,000 00	
IMPROVEMENT OF RIVERS.		
Removal of Rock at Cap à la Roche, St. Lawrence	5,000 00	
Removal of Rock at River Richelieu, Quebec (Revote)	4,000 00	
Removal of Rock known as "The Two Sisters," Fraser River, Saw Mill Riffle Rock, British Columbia, (Revote) ..	4,000 00	
Low Path, and removal of obstructions, River St. John, N.B.	8,000 00	
Improvement of Red River Navigation, Manitoba	5,000 00	
To defray the cost of Dredging the Bay at the mouth of River Thames (Revote).....	5,000 00	
Improvement of Rivers	10,000 00	
Croix River, N. B.....	25,000 00	
Removal of Chains and Anchors, St. Lawrence River	10,000 00	
Grudge to remove Slabs, &c., Ottawa River	25,000 00	
	101,000 00	
ROADS AND BRIDGES.		
Unimproved Metapédias, and Huntingdon and Port Louis Roads (Military Roads).....	10,000 00	
Red River Road	198,000 00	
Bridge over Red River, at Fort Garry	50,000 00	
BRIDGES AND INSPECTIONS	46,500 00	
CONTRIBUTIONS AND AWARDS	10,000 00	
MISCELLANEOUS WORKS NOT OTHERWISE PROVIDED FOR	10,000 00	
PUBLIC BUILDINGS.		
Ottawa Post Office, Custom House, and Inland Revenue Office towards Construction (Revote \$25,000).....	85,000 00	
Toronto Custom House, Savings Bank, Examining Warehouse, and Inland Revenue Office (Revote \$14,000)...	108,000 00	
Toronto and Quebec, Post Offices (Revote \$30,000)	60,000 00	
London Immigration Station.....	2,000 00	
Montreal Post Office, towards Construction (Revote \$85,000)	185,000 00	
Montreal Immigration Station	6,000 00	
Carried forward ..	446,000 00	547,500 00 12,394,495 25

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> 446,000 00	\$ 547,500 cts. 00	\$ 12,394,49½
PUBLIC WORKS AND BUILDINGS.—Cont'd.		
PUBLIC BUILDINGS.—Continued.		
Three Rivers Custom House and Inland Revenue Office (Revote \$10,000)	10,000 00	
Grosse Isle, Quarantine Station (Revote \$14,000)	19,000 00	
Levis Immigration Station	4,000 00	
Sherbrooke Immigration Station	500 00	
Pictou Custom House and Inland Revenue Office (Revote)	10,000 00	
Nova Scotia Quarantine Stations	18,000 00	
do Marine Hospitals	25,000 00	
St. John, New Brunswick, Post Office, towards Construction (Revote \$35,000) ..	55,000 00	
St. John, New Brunswick, Savings Bank Building ..	10,000 00	
New Brunswick Quarantine Stations (Revote \$1,000)	4,000 00	
do Marine Hospital	12,000 00	
Manitoba Custom House, Inland Revenue Office, Post Office, Land Office, and Assistant Receiver General's Office (Revote \$30,000)	35,000 00	
Manitoba Penitentiary	25,000 00	
British Columbia Custom House, Post Office and Inland Revenue Office (Revote)	23,000 00	
British Columbia Marine Hospital	25,000 00	
do Penitentiary	25,000 00	
Hamilton Post Office (additional)	9,000 00	
Government House (Fort Garry)	10,000 00	
Custom House, Public Works, Marine and Fisheries and Finance Offices, British Columbia	25,000 00	
Public Buildings generally	35,000 00	
	825,500 00	
RENTS, REPAIRS, HEATING, ETC.		
Rents, repairs and furniture	80,000 00	
Heating Public Buildings, Ottawa	35,000 00	
Removal of Snow do	2,000 00	
Montreal Custom House, Improvements and Repairs	8,000 00	
St. John, N.B., Custom House, Improvements and Repairs	5,000 00	
Allowance for fuel and light, Rideau Hall	5,000 00	
Improvement of ventilation, heating and lighting Parliament Buildings	20,000 00	
Heating Apparatus, Toronto Post Office	5,000 00	
	160,000 00	
SLIDES AND BOOMS.		
St. Maurice Works (Revote \$5,500)	31,500 00	
Ottawa River, Slide at Roche Capitaine Rapids (Revote \$16,500)	20,000 00	
Ottawa River, Booms at Cheneaux Rapids	16,000 00	
River des Prairies	4,500 00	
To facilitate the descent of timber, Fenelon River	4,000 00	
Miscellaneous	15,000 00	
	91,000 00	
<i>Carried forward</i>	1,624,000 00	12,394,49

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	\$ cts. 1,624,000 00	\$ cts. 12,394,495 25
PUBLIC WORKS AND BUILDINGS.—Continued.		
HARBOURS AND PIERS.		
Lakes Erie and Huron (Revote \$50,000)	200,000 00	
Presqu'île, Lake Ontario	9,000 00	
Pier for Lighthouse and Lighthouse, Port Stanley, Lake Erie (Revote)	7,000 00	
Kingston Harbor, Ontario (Revote \$3,000)	6,000 00	
New Breakwater, and certain works of dredging at Col- lingwood, Georgian Bay, the Northern Railway Com- pany to furnish an equal amount (Revote)	35,000 00	
House Harbour, Magdalen Islands (Revote \$2,000)	4,000 00	
Amherst Harbour do	6,000 00	
Rivière du Loup en haut (local authorities furnishing an equal amount) (Revote)	4,000 00	
River Saguenay, Pier and Lighthouse	6,000 00	
Mabou Harbor, Nova Scotia	30,000 00	
Liverpool Harbour, N.S., Harbour of Refuge (Revote \$13,000)	33,000 00	
Macnairs Cove, N.S. (Revote)	7,000 00	
To repair the breaches made in the Bar at Yarmouth, N.S. (Revote \$3,000)	6,500 00	
Harbour Works, Ingonish South, Cape Breton, N.S.	50,000 00	
Oak Point Harbour Works, N.S.	1,000 00	
Port Greville do	6,000 00	
Breakwater, Joggins, N.S., on condition that a like sum has been expended, or is furnished by the locality for the same purpose	10,000 00	
Bathurst Harbour, New Brunswick (Revote)	2,000 00	
Richibucto Harbour, New Brunswick	28,000 00	
Herring Cove, N. B., Harbour of Refuge, towards con- struction (Revote)	12,000 00	
Grand Manan Harbour, N.B. (Tonnage dues to be collected by the Government) (Revote \$2,000)	5,000 00	
Breakwater at Wilson's Beach, Campo Bello, N. B. (Local authorities furnishing an equal amount) (Revote)	1,000 00	
Petitcodiac, N. B., improvement of channel to Moncton (Railway Harbour) (Revote \$7,000)	7,000 00	
Dipper Harbour, N. B.	10,000 00	
St. John, N.B., and Toronto, Ont., Harbours (Surveys) ..	10,000 00	
Dredging	55,000 00	
Dredge vessels	76,000 00	
Pier and Lighthouse at Bay St. Paul	6,000 00	
Big Tracadie	6,000 00	
Kincardine Harbour	10,000 00	
Cow Bay—to strengthen breakwater	10,000 00	
Inverhuron Landing Pier	6,000 00	
Little Bras d'Or Gut, Cape Breton	6,000 00	
Port Albert, Lake Huron	6,000 00	
Ports George and Williams	3,500 00	
Napanee Harbour, removal of obstructions at entrance....	5,000 00	
Herring Cove, N. B.	5,000 00	
Salmon River and Plympton Harbour—shelter for vessels.	5,000 00	
Victoria, B. C.—Improvement of entrance	6,000 00	
Chedabucto Bay—Porpers Pond Breakwater	5,000 00	
<i>Carried forward</i>	706,000 00	1,624,000 00 12,394,495 25

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i> 706,000 00	\$ 1,624,000 00 cts.	\$ 12,394,495 2 c
PUBLIC WORKS AND BUILDINGS.—Continued.		
HARBOURS AND PIERS.—Continued.		
Richelieu River—Piers at Chambly entrance and removal of boulders in channel of river and approaches to canal...	16,000 00	
Green Cove Breakwater	2,500 00	
Cobourg Harbour—Survey and Works (provided local authorities spend an equal sum)	25,000 00	
Pictou Island	2,000 00	
Bellefleur Harbour—Removal of obstructions at entrance ..	5,000 00	
Hillsborough Pier and Lighthouse	1,500 00	
Digby Pier—To complete	2,500 00	
Meaford Harbour, Lake Huron	15,000 00	
Big Pond, Cape Breton—Opening beach	2,000 00	
Port Hood Pier	500 00	
Gabarus Bay, Cape Breton	2,000 00	
Goderich Harbour—To renew docking (local authorities furnishing an equal amount)	20,000 00	
Miramichi	15,000 00	
Port Maitland—To complete work	1,000 00	
Bellefleur Harbour—removal of obstructions (additional) ..	5,000 00	
Morden Pier and Canada Creek, N.S.	5,000 00	
	826,000 00	
Total chargeable to income		2,450,000 00
OCEAN AND RIVER STEAM PACKET SERVICE.		
DOMINION STEAMERS.		
Maintenance and repairs of Steamers <i>Napoleon III.</i> , <i>Druid</i> , <i>Lady Head</i> and <i>Sir James Douglas</i>	93,500 00	
MAIL SUBSIDIES.		
Moist payable to Allan Line between Halifax and Cork	39,541 64	
Steam communication between Quebec and the Maritime Provinces ..	15,000 00	
Steam communication between Prince Edward Island and Ports of the Dominion	1,000 00	
Steam communication between Halifax and St. John via Yarmouth ..	10,000 00	
Steam communication on Lakes Huron and Superior	12,500 00	
Steam communication from St. John, New Brunswick, to ports in Basin of Minas	4,000 00	
Steam service between San Francisco and Victoria, British Columbia ..	54,000 00	
Increased mail service between Prince Edward Island, Pictou, and Hawkesbury	600 00	
Steam communication from Sarnia to Lake Superior	6,250 00	
<i>Carried forward</i>	236,991 64	14,844,495

SCHEDULE

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	236,991 64	14,844,495 25
OCEAN AND RIVER STEAM PACKET SERVICE.—Cont'd.		
TCG SERVICE.		
Between Montreal and Kingston	12,000 00	
Richibucto and Miramichi	4,500 00	253,491 64
PENITENTIARIES.		
Penitentiary, Kingston, Ontario	111,073 78	
Rockwood Asylum, Ontario	64,305 00	
Penitentiary, Halifax, N.S.	21,016 10	
do St. John, N.B.	47,131 00	
Directors of Penitentiaries	9,000 00	
Penitentiary of Quebec, Quebec	105,000 00	357,525 88
MILITIA.		
ORDINARY.		
Salaries of Military Branch and Distict Staff	32,540 00	
Salaries of Brigade Majors	27,460 00	
Allowances for Drill Instruction ; to be extended to the 1st November, 1874, it being impossible to get in all the claims under this head, before the expiration of the financial year	40,000 00	
Military Schools, including the pay of the Superintendent and his Clerk	40,000 00	
Ammunition	45,000 00	
Clothing	90,000 00	
Military Stores	40,000 00	
Public Armouries and care of arms, including the pay of storekeepers and caretakers, storemen, and the rents, fuel and light of public armouries, to be extended to the 1st November, 1874, it being impossible to get in all the claims under this head, before the expiration of the financial year	52,000 00	
Drill pay, and all other incidental expenses connected with the drill and training of the militia ; to be extended to the 1st November, 1874, it being impossible to get in all the claims under this head before the expiration of the financial year	370,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations and bands of efficient corps	58,000 00	
Targets	5,000 00	
Drill sheds and rifle ranges	10,000 00	
EXTRAORDINARY.		
Gunboats	10,000 00	
Care and maintenance of properties transferred from the Ordnance and the Imperial Government	20,000 00	
For improved firearms ("Snider" Rifles and "Henry Martini" Rifles,	40,000 00	
Carried forward	880,000 00	15,455,512 77

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ ct
Brought forward	880,000 00	15,455,512 7
MILITIA.—Continued.		
EXTRAORDINARY.—Continued.		
Ordnance and equipment of Field Batteries of Artillery	20,000 00	
Pay, maintenance and equipment of "A" and "B" Batteries Garrison Artillery and Schools of Gunnery, including salaries and allowances of the Inspector of Artillery and Warlike Stores and Commandant of "A" Battery at Kingston, and the Commandant of "B" Battery and Inspector of Artillery, &c., for the Province of Quebec	100,000 00	1,000,000 0
LIGHTHOUSES AND COAST SERVICE.		
Construction of Lighthouses, Fog Trumpets, etc.	120,000 00	
Salaries and allowances	134,617 50	
Oil—93,000 gallons Petroleum	20,770 00	
Maintenance, ordinary and extraordinary repairs of Lighthouses and Light Ships, Steam Fog Whistles, Buoys and Beacons, Signal Stations, &c.	177,200 00	
Steamer <i>Richelieu</i> , maintenance and repairs	8,864 00	
Schooner for the delivery of coal and other supplies to Lighthouses and Steam Fog Whistles	8,000 00	
	349,451 50	
Works of Construction, viz :—		
To rebuild Lighthouse and Dwelling-house at Digby Gut, N.S., recently burned down	5,000 00	
Keeper's dwelling, Mouton, N.S.	600 00	
Fog Bell, Cape Beald, B.C.	2,000 00	
Lighthouse, Long Island, Frontenac, Ontario	1,000 00	
	8,600 00	
Trinity House, Quebec	7,995 00	
To defray salaries and contingencies for services now performed by Trinity House, Montreal	5,903 00	
Removal of wreck of barque <i>Chryséis</i> at St. Jean, Port-Joli, Province of Quebec	1,000 00	
Sable and Seal Islands Humane Establishment	8,000 00	
Cape Race Light	300 00	
Maintenance, &c :		
To provide a Humane Station at Cape Canso, County of Guys-boro,' N.S.	150 00	501,399 5
FISHERIES.		
Salaries and disbursements of Fishery Overseers and Wardens :		
Ontario	7,400 00	
Quebec	8,000 00	
Nova Scotia	9,755 00	
New Brunswick	7,080 00	
	32,235 00	
Maintenance and repairs of <i>La Canadienne</i>	9,000 00	
Fish-breeding, Fishways and oyster beds	10,600 00	
Carried forward	51,835 00	16,956,912 2

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
Brought forward	51,835 00	16,956,912 27
FISHERIES.—Continued.		
To cover expenditure for Salaries and disbursements of additional Fishery Overseers and Wardens, Nova Scotia	3,000 00	
To cover expenditure for Salaries and disbursements of additional Fishery Overseers and Wardens, New Brunswick	500 00	55,335 00
STEAMBOAT INSPECTION.		
To defray expenses of Steamboat Inspection		10,850 00
INDIANS.		
Annual grant to Indians, Quebec	400 00	
Do do Nova Scotia	3,300 00	
Do do New Brunswick	3,200 00	
To purchase blankets for aged and infirm Indians of Ontario and Quebec, and transport thereof	1,600 00	
Annuities payable to Indians in the North West Territories, under Treaty No. 1, viz :—		
Broken Head River Band, 93 persons	279 00	
Fort Alexander Band, 320 persons	960 00	
Fort Garry Indians, 233 persons	699 00	
Pembina Indians, 312 persons	936 00	
Portage la Prairie Band, 425 persons	1,275 00	
St. Peter's Band, 1,493 persons	4,479 00	
	8,628 00	
Annuities payable to Indians in the North West Territories, under Treaty No. 2, viz :		
Fairford River Band, 299 persons	897 00	
Lake Manitoba Band, 160 persons	480 00	
Riding Mountain, Fort Ellice and Dauphin Lake Bands, 113 persons	339 00	
Water Hen and Crane River Bands, 176 persons	528 00	
Berens River Band, 447 persons	1,341 00	
Fort Francis, Rainy Lake and contiguous bands, 1,000 persons	3,000 00	
	6,585 00	
Salaries of Commissioners North West Territories, Assistant Commissioners, Agents, Interpreters, School Teachers and Medical Officers, Travelling expenses of Commissioners and Agents, Office Furniture, Medicines and contingencies	10,900 00	
Supplies for Indians attending to receive annuities, and on other occasions	5,000 00	
Farming stock, etc., to be furnished to chiefs not yet supplied	1,500 00	
To meet expenses in connection with treaties to be made with the tribes of Indians on the Saskatchewan	10,000 00	
To pay expenses connected with Indians, British Columbia	29,000 00	
To purchase Farming Stock and Agricultural Implements for Indians North West, in accordance with Treaty	8,500 00	
		88,613 00
Carried forward		17,111,710 27

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$
Brought forward		17,111,71
MISCELLANEOUS.		
Printing Canada Gazette	3,330 00	
Postage do	400 00	
Miscellaneous Printing	5,000 00	
Unforeseen Expenses ; Expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament during the first fifteen days of the next Session	30,000 00	
Expenses connected with ascertaining correct time at Ottawa, and firing of noon gun	400 00	
For purchase of life-boats and life-preservers, and maintenance of the same. Rewards for saving life and investigations into wrecks and casualties	9,400 00	
Commutation in lieu of remission of duties on articles imported for the use of the army and navy, to be apportioned by Order in Council ..	10,000 00	
To provide for examination and classification of masters and mates (Mercantile Marine)	7,000 00	
To provide one half of the British share of the expenditure in reference to the surveys of the boundary line between Canada and the United States of America, on the 49th parallel of north latitude	120,000 00	
To pay one half of the cost of surveying boundary line between Ontario and the North West Territories (Revote)	12,000 00	
Surveys in Manitoba and the North West Territories	250,000 00	
Pay and maintenance of Dominion forces in Manitoba, viz : 343 officers, non-commissioned officers and men, including the expense of providing barrack accommodation, contingencies, &c., &c.	140,000 00	
Reserve Militia Stores, third and last instalment due the Imperial Government on purchase of reserve stores on withdrawal of regular troops in 1870-71	144,906 00	
To refund amount received from sheriff, as proceeds of stone illegally seized on the York Roads	6,142 09	
To secure the testing of spirituous liquors, as recommended by the committee to whom was referred the petitions in favor of prohibition ..	500 00	
To provide for expenses in connection with the inspection and classification of vessels by the Government of Canada	6,000 00	
To pay expenses connected with organizing and carrying on Government in Prince Edward Island (in addition to revenue received therein) ..	100,000 00	
		845,07
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several ports, viz :—		
In Province of Ontario	187,246 25	
do Quebec	176,214 00	
do New Brunswick	79,736 50	
do Nova Scotia	97,240 25	
do Manitoba and N. W. T... ..	11,800 00	
do British Columbia	24,000 00	
Salaries and travelling expenses of Inspectors of Ports	11,000 00	
	587,237 00	
Contingencies of Head Office, covering printing, stationery, advertising, telegraphing, &c., for the several ports of entry	15,000 00	
	602,237 00	
Carried forward	602,237 00	17,956,78

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
<i>Brought forward</i>	602,237 00	17,956,788 36
COLLECTION OF REVENUES.—(Continued.)		
INLAND REVENUE.		
Salaries of Officers and Inspectors of Excise	157,700 00	
Travelling expenses, rent, fuel, stationery, postage, furniture, &c.	37,500 00	
Preventive service	4,000 00	
To provide for additions to the outside service of the Excise Department, as may be found necessary.	6,400 00	
To pay Collectors of Customs in New Brunswick and Nova Scotia, allowance of duties collected by them, estimated at	2,700 00	
To pay expenses in connection with weights and measures.	10,000 00	
To provide for expenses required in connection with the inspection of weights and measures.	10,000 00	
	228,000 00	
CULLING TIMBER.		
Salaries and contingent expenses of Cullers' Office	78,000 00	
PUBLIC WORKS.		
Maintenance and Repairs :—		
Salaries and contingencies of canal officers	28,970 00	
Collection of slide and boom dues	13,875 00	
Ontario and Quebec	435,000 00	
Intercolonial and other Government Railways in Nova Scotia and New Brunswick	1,559,000 00	
Telegraph Lines, British Columbia.	33,000 00	
To grant compensation to the families of the following persons killed whilst on duty on the Government Railways :—		
Charles C. Carter	500 00	
William Muir	300 00	
	2,070,645 00	
POST OFFICE.		
Ontario and Quebec Mail services :—		
Grand Trunk Railway	167,000 00	
Great Western Railway	45,000 00	
Other Railways	90,000 00	
Steamboat service	48,000 00	
Ocean mail service	10,000 00	
Stage and other ordinary conveyance	270,000 00	
Salaries of outside services—Inspectors, Postmasters, Clerks, City Post Offices, Railway Clerks, &c.	280,000 00	
Miscellaneous, including City Post Offices	72,000 00	
Nova Scotia Mail services :—		
Railways	20,000 00	
Steamboat service	2,000 00	
Stage and other ordinary conveyance	80,000 00	
<i>Carried forward</i>	1,076,000 00	2,979,182 00
		17,956,788 36

SCHEDULE B.

SCHEDULE B.—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ ct
Brought forward1,076,000 00	2,979,182 00	17,956,788 3
COLLECTION OF REVENUES.—Continued.		
Post Office.—Continued.		
Salaries of outside services.....	30,000 00	
Miscellaneous.....	12,000 00	
New Brunswick Mail services :—		
Railways.....	20,000 00	
Steamboat service	6,000 00	
Stage and other ordinary conveyance.....	41,000 00	
Salaries of outside services.....	30,000 00	
Miscellaneous	12,000 00	
Manitoba Mail services :—		
Stage and other ordinary conveyance.....	14,000 00	
Salaries of outside services	4,000 00	
Miscellaneous	2,000 00	
British Columbia Mail services :—		
Steamboat service.....	18,000 00	
Stage and other ordinary conveyance	37,000 00	
Salaries of outside services.....	9,000 00	
Miscellaneous	2,000 00	
	1,316,000 00	
MINOR REVENUES.		
To defray expenses in connection with minor revenues.	10,000 00	4,305,182 0
Total.....		22,261,970 3

CHAP. 27.

An Act to make Temporary Provision for the Election of Members to serve in the House of Commons.

[Assented to 23rd May. 1873.]

WHEREAS it is expedient to make temporary provision for Preamble,
the election of Members to serve in the House of Commons of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act shall be in force during one year from the time of Duration of
the passing thereof, and from thence until the end of the then next Act.
session of Parliament, and no longer.

2. The laws in force in the several Provinces of Canada, Nova Election laws
Scotia, and New Brunswick at the time of the Union, on the first in force in the
day of July, one thousand eight hundred and sixty-seven relative, four senior
to the following matters, that is to say, the qualifications and dis- Provinces at
qualification of persons to be elected or to sit or vote as Members the Union to
of the Legislative Assembly or House of Assembly in the said apply, subject
several Provinces respectively, the voters at elections of such to certain
members, the oaths to be taken by voters, the powers and duties exceptions.
of Returning Officers, and generally the proceedings at and
incident to such elections, shall, as provided by "*The British North*
America Act, 1867," continue to apply respectively to elections of
Members to serve in the House of Commons for the Provinces of
Ontario, Quebec, Nova Scotia and New Brunswick, subject to the
exceptions and provisions hereinafter made.

3. The polling at any election of a Member to serve in the Polling to
House of Commons, for any Electoral District in either of the continue one
Provinces of Quebec or Ontario, shall continue for one day only; day only in
and the poll shall be opened at nine o'clock in the morning and Ontario and
closed at five o'clock in the afternoon of such day. Quebec.

4. In the Province of Ontario, subject to the special provisions Qualifications
hereinafter made, the qualification of voters at elections for Mem- of voters in
bers of the House of Commons shall be that established by the laws Ontario.
in force in that Province on the twenty-third day of January one
thousand eight and sixty-nine, as the qualification of voters at
elections of Members of the Legislative Assembly; and the voters' Voters lists.
lists to be used at elections of Members of the House of Commons
shall be the same as if such elections were of Members of the
Legislative Assembly on the basis of the qualification aforesaid; and
the polling sub-divisions or wards shall be the same as if such elec- Polling sub-
tions were for Members of the Legislative Assembly; and the divisions.
Returning Officer shall provide a polling place for each sub-division
or ward, in the most central and convenient place for such elections. Polling place.

Oath of voters.

5. The oath or affirmation to be required of voters in the said Province, shall be that prescribed by the fifty-fourth section of chapter six, of the Consolidated Statutes of Canada, and no other, except only in the Electoral Districts of Algoma and Muskoka, as hereinafter provided.

Qualification,
&c., Algoma,
Muskoka, and
new Town-
ships in
Renfrew.

6. In the Electoral Districts of Algoma and Muskoka, and in the new townships added during the session of Parliament held in the thirty-fifth year of Her Majesty's reign, to the South Riding of the County of Renfrew, the persons entitled to vote at elections for Members of the House of Commons shall be male persons, of the full age of twenty-one years, subjects of Her Majesty by birth or naturalization, and not otherwise disqualified; being at the time of the election, owners of real estate in the Electoral District for which they claim to vote, of the value of two hundred dollars or upwards, or householders in the same, and having been such owners or householders, during the six months next preceding the election; subject to the following provisions:

Where voters
lists have been
made.

(1.) In any place in the said Electoral Districts of Algoma and Muskoka, or in the said new townships in Renfrew, for which voters' lists have been made, the same provisions shall apply as in other Electoral Districts in the said Province, and the oath or affirmation to be required of voters shall be the same;

In other places

(2.) In other places in the said Electoral Districts of Muskoka and Algoma, and in the said new townships, the oath or affirmation to be required of voters, shall be varied by omitting the words "that you are (*name of voter*) whose name is entered on the list of voters now shown to you," and inserting instead thereof the words "that you are the owner of real estate in this Electoral District, of the value of two hundred dollars," (or "that you are a householder at _____ in this Electoral District, (*as the case may be*), and that you have been such owner, (or such householder,) during the six months next preceding this election."

Proceedings
at elections in
Algoma and
Muskoka.

7. In the said Electoral Districts of Algoma and Muskoka, the like rules shall be observed and the like instructions given, for the conduct of and proceedings at elections of Members of the House of Commons, as were observed and given at the now last election of Members of the said Electoral Districts respectively; except as regards the qualification of electors and the oath or affirmation which may be required of them, which shall be as hereinbefore provided; and except also as to those townships and places in which voters' lists have been made, to and in which the laws relating to the qualification of voters and the conduct of and proceedings at elections in Electoral Districts other than Algoma and Muskoka, shall apply and be observed.

8. In the Province of Quebec:—

Voters' lists
in Quebec.

Any copy of the voters' list certified as being a true copy thereof, by the Clerk, Treasurer or Secretary Treasurer, having no

or having the custody of the original, shall be held to be a "duplicate" of such voters' list for all the purposes of the Act of the legislature of the late Province of Canada, twenty-seven Victoria, chapter eight, as respects elections for Members to serve in the House of Commons of Canada.

What shall be a duplicate under 27 V.c.8.

Any Registrar who shall deliver to a Deputy Returning officer, any list of voters which shall not be conformable to the duplicate or certified copy of a voters' list deposited in the office of such Registrar, at least one month before the date of the writ of election shall incur a penalty of four hundred dollars for each copy so delivered.

Penalty on Registrar delivering incorrect list.

Any Clerk, Treasurer, or Secretary-Treasurer, of any city or municipality, who shall deliver to any Registrar any duplicate or certified copy of a list of voters which shall not be conformable to that remaining of record in the office of such Clerk, Treasurer or Secretary-Treasurer, as made from the assessment rolls, shall, for each list so delivered, incur a penalty of four hundred dollars.

On officer of municipality for like offence.

The penalties hereby imposed shall be recoverable and appropriated in the manner provided by the sixth chapter of the Consolidated Statutes of the late Province of Canada, with respect to penalties of like amount imposed by that chapter.

Recovery of penalties.

The foregoing provisions of this section shall apply only to elections for the House of Commons of Canada, and to voters' lists to be used at such elections.

Application of foregoing provisions.

Notwithstanding anything to the contrary in sub-section three of section eleven, of chapter six of the Consolidated Statutes of Canada, the Clerk, Treasurer or Secretary-Treasurer may certify the correctness of the list or lists of voters made out by him, before one Justice of the Peace, instead of two, as required by the said sub-section.

Lists may be attested before one J. P.

9. If, in the Province of Quebec, the Returning Officer for any Electoral District finds by the voters' list for any polling district, or sub-division thereof, that the number of voters therein exceeds two hundred, he shall proceed to divide the same in the most convenient manner, and so that there shall not be more than two hundred voters in each sub-division; and shall provide a polling place for each such sub-division, and shall furnish for each polling place a copy of the voters' list or so much thereof as is required for the sub-division; and any provisions of the law in the said Province with respect to the voting or the right to vote at the polling place in any polling district or sub-division thereof, shall apply to any polling sub-division to be established under this section: Provided always, that, at any time after the passing of this Act, the Municipal Council of the city, town or other local municipality having jurisdiction over the locality, may divide such city, town or local municipality into electoral sub-divisions, that there shall not be more than two hundred voters in each

Sub-division of polling districts in Quebec, where voters are too numerous.

Proviso: Municipality may make such sub-division.

Returning Officer to make it if the municipality does not,

Provide : distance between polling places.

such sub-division ; and such power shall be exercised under the provisions of section two of the Act of the legislature of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter thirteen ; and the power given by this Act to the Returning Officer to make such sub-division shall be exercised only in case the Municipal Council shall not have made such sub-division, or the time for appealing against the same, if made, shall not have expired ; provided also, that instead of the limitation of distance between the polling places prescribed by the fourth section of the said Act, the distance between polling places in cities, towns and incorporated villages shall not be less than one hundred yards, nor in other Local municipalities less than one mile.

Special provisions as to voters' lists in Nova Scotia.

10. In the Province of Nova Scotia, all persons nominated as Revisors, under chapter twenty-eight of the Acts of the legislature of the said Province, passed in the year one thousand eight hundred and sixty-three, intituled "*An Act to regulate the Election of Members to serve in the General Assembly,*" shall, in the present year one thousand eight hundred and seventy-three, within three months after the passing of this Act, and in any future year during which this Act shall be in force, at the time of their preparing the annual list of electors qualified to vote at elections of Members of the General Assembly, prepare also and file with the Clerk of the Peace a like alphabetical list of electors qualified to vote at elections of Members to serve in the House of Commons of Canada, by adding to the lists of voters for Members of the General Assembly, the names of all officials and employees of the Dominion Government qualified to vote at elections of Members of the General Assembly under the laws in force in Nova Scotia on the first day of July, one thousand eight hundred and sixty-seven, but who may have been disqualified by any Act of the Legislature of that Province, passed after the said day :

For what time they shall serve.

The lists first made shall form the register of electors of Members of the House of Commons, until the next year's lists shall be made and perfected, and the provisions of sections twenty-five, twenty-six and twenty-seven respectively, of the said chapter, shall be held applicable to such future lists, and for every neglect or wilful breach of duty under this section, the Revisors shall be subject to the like penalties prescribed in section twenty-four of the said chapter.

Polling districts in New Brunswick.

11. In the Province of New Brunswick, the polling districts and polling lists shall be the same as if the elections were for Members of the Legislative Assembly, notwithstanding any changes that may have been made in such polling districts and lists since the first day of July, one thousand eight and sixty-seven.

Special provisions as to Manitoba.

12. In the Province of Manitoba, and in the Province of British Columbia, the laws in force at the time of any election of a Member or Members to serve in the House of Commons for a

Electors.

Electoral District in either of the said Provinces, relative to the following matters or any of them, namely, the qualifications or disqualifications of persons to be elected or to sit or vote as Members of the Legislative Assembly of Manitoba or of the Legislative Council of British Columbia, (as the case may be), the oaths to be taken by voters, the powers and duties of Returning Officers, the proceedings at elections, the trial of controverted elections and proceedings incident thereto, the vacating the seats of members, and the issue and execution of new writs in case of seats vacated otherwise than by dissolution, shall apply respectively to elections of Members to serve in the House of Commons for the same Province.

13. In the Provinces of Manitoba and British Columbia respectively, the polls at any election of a Member to serve in the House of Commons, shall be held only on one day, and shall open at nine o'clock in the morning and close at five o'clock in the afternoon of the same day; and the Returning Officer at any election, in either of the said Provinces, of a Member to serve in the House of Commons, shall have the like powers for dividing any polling district as are vested in Returning Officers in the Province of Quebec by the ninth section of this Act, which shall apply to Manitoba and British Columbia, respectively.

Polling to continue for one day only in Manitoba and British Columbia.

14. In the Province of Manitoba, the qualification of voters shall, in places (if any) for which voters' lists have been made for the Legislative Assembly, under any Provincial law in that behalf, then in force, be the same as that established by such law; and such lists shall be used at the elections; but if no such lists have been made, and in places for which such lists have not been made, the qualification shall be that established by the Act of the Parliament of Canada, thirty-three Victoria, chapter three,—and in all respects (except as aforesaid as to the qualification of voters) the like laws and rules shall be observed, and the like instructions given, for the conduct of and proceedings at elections of Members of the House of Commons, as were observed and given at the now last election of Members of the House of Commons in the said Province.

Qualification of voters, &c. in Manitoba.

15. In the Province of British Columbia, the qualification of voters shall, in places (if any) for which voters' lists have been made for the Legislative Council under any Provincial law in that behalf, then in force, be the same as that established by such law, and such lists shall be used at the elections; but if no such lists have been made, and in places for which such lists have not been made, the qualification shall be the same as at the last election of Members of the House of Commons, and in all other respects the like laws and rules shall be observed, and the like instructions given, for the conduct of and the proceedings at elections of Members of the House of Commons, as were observed and given at the now last elections of Members of the House of Commons, in the said Province.

And in British Columbia.

GENERAL PROVISIONS.

Writs of election, and powers of officers issuing them and of Returning Officers.

16. For the purpose of elections of Members to serve in the House of Commons, the Governor General shall cause writs to be issued by such person, in such form, and addressed to such Returning Officer as he thinks fit: the persons issuing writs under this section shall have the like powers as were possessed at the Union by the officers charged with the issuing of writs for the election of Members to serve in the respective Legislative Assembly or House of Assembly of the Provinces of Canada, Nova Scotia or New Brunswick, or as may be possessed by any such officer in Manitoba or British Columbia respectively immediately before such election; and the Returning Officer to whom writs are directed under this section shall have the like powers as were possessed at the time of the Union in the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, or in the Province of Manitoba or British Columbia, immediately before such election, by the officers charged with the returning of writs for the election of Members to serve in the same respective Legislative Assembly, House of Assembly or Legislative Council, subject to the provisions of this Act.

Tariff of fees to be paid to Returning Officers, &c.

17. The Governor in Council may make a tariff of fees, costs and expenses, to be paid and allowed by the Dominion Government to the Returning Officers and other officers and persons employed at or in respect to elections of Members to serve in the House of Commons of Canada; and such tariff shall be substituted for any provision in any Statute now in force in the Provinces of Ontario, Quebec, Nova Scotia, New Brunswick, Manitoba and British Columbia, respecting such fees, costs and expenses.

No candidate to employ means of corruption.

18. No candidate at any election shall directly or indirectly, employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill or note, or conveyance of land, or any promise of the same, nor shall he, either by himself, or his authorized agent for that purpose, threaten any elector with losing any office, salary, income or advantage, with the intent to corrupt or bribe any elector to vote for such candidate, or to keep back any elector from voting for any other candidate; nor shall he open and support or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the electors; and if any representative returned to the House of Commons, is proved guilty before the proper tribunal, of using any of the above means to procure his election, his election shall be thereby declared void and he shall be incapable of being a candidate, or being elected or returned during that Parliament.

Penalty.

Penalty for corrupt practices by candidate not returned.

19. If any candidate who shall not have been returned is proved guilty before the proper tribunal of using, during any such election means of corruption, he shall be incapable of being a candidate, of being elected or returned during the Parliament for which such election was held.

CHAP, 28.

An Act to make better provision respecting Election Petitions, and matters relating to Controverted Elections of Members of the House of Commons.

[Assented to 23rd May, 1873.]

WHEREAS it is expedient to provide by one law, common Preamble.
to the whole Dominion of Canada, for the trial of Election Petitions, and the decision of matters connected with Controverted Elections of Members of the House of Commons of Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: -

1. This Act may be cited for all purposes as "The Controverted Short title.
Elections Act, 1873."

2. The expression "The Election Court" shall for the purposes Interpretation.
of this Act, mean any three judges, of whom, under the provisions "Election
hereinafter made, any one might try an election petition in the Court."
Province to which the enactment in which the expression occurs
has reference, sitting specially, either in term or in vacation, for
the purposes of this Act:

The Election Court for the Dominion, or for the Province or And "Electio
place in which the election in question was held, as the case may Judges."
be, shall always be understood as intended when "The Election
Court" is mentioned; and the expression "the election Judges,"
shall mean all the Judges who can sit in such election court;
the expression "the Judge," shall mean the judge trying any
such petition or performing the duty to which the enactment in
which the expression occurs has reference; the word "judges,"
shall include chief justices.

3. The following terms shall, in this Act, have the meaning Other expres-
hereinafter assigned to them, unless there is something in the sions.
context repugnant to such construction, that is to say:

"Member," shall mean a member of the House of Commons Member.
of Canada;

"Election," shall mean an election of a Member to serve in Election.
the House of Commons of Canada.

"Electoral District," shall mean an Electoral District entitled to Electoral Dis-
return a member. tricts.

"Candidate," shall mean any person elected to serve as a mem- Candidate
ber, and any person who has been nominated as, or declared him-
self a candidate at an election.

Corrupt practices.

"Corrupt practices," or "corrupt practice," shall mean bribery and undue influence, treating, personation, and other illegal and prohibited acts in reference to elections, or any of such offences, as defined by Act of the Parliament of Canada.

Rules of Court.

"Rules of Court," shall mean rules to be made as hereinafter mentioned.

Prescribed.

"Prescribed," shall mean "prescribed by this Act; or by the rules of court made in virtue of this Act."

The Speaker.

4. For the purposes of this Act, the expression "the Speaker," shall mean the Speaker of the House of Commons; and when the office of Speaker is vacant, or when the Speaker is absent from Canada or is unable to act, the Clerk of the House of Commons, or any other officer for the time being, performing the duties of the Clerk of the said House, shall be deemed to be substituted for and included in the expression "the Speaker."

General Court of Appeal for the Dominion to be Election Court for the same.

5. Whenever a general court of appeal for the Dominion shall be constituted, one of the judges of that court shall try any election petition relating to any election held thereafter, and any three judges of the said court, sitting specially for the purposes of this Act, shall be the court for hearing any appeal from the Judge trying any election petition, and shall be intended by the expression "the Election Court," whenever it occurs in this Act; and such Election Court shall sit at the place where the sittings of the general court of appeal are held.

Place of sitting.

Provincial Judges (with consent of Local Government) to act until such general court is constituted.

6. If, and so long as there is no such general court of appeal for the Dominion, then in the several Provinces hereinafter mentioned, the judges, of whom one shall try election petitions relating to elections held in each of the said Provinces, respectively, and of any three of whom the Election Court as respects such petitions shall consist, shall be those hereinafter mentioned: provided the Lieutenant Governor of such Province shall, by order made by and with the advice and consent of the Executive Council thereof, have authorized and required such judges to perform the duties hereby assigned to them, and so long as such Order in Council shall be in force, that is to say:

Election Courts in Quebec.

1. In the Province of Quebec, the Judges of the Superior Court directed to reside at the City of Quebec, or to perform judicial duties in any of the judicial districts of Quebec, Three Rivers, Saguenay, Chicoutimi, Gaspé, Rimouski, Kamouraska, Montmagny, Beauce or Arthabaska, if the petition relates to any election for an Electoral District in any one of the said judicial districts; and the said Judges shall be hereinafter intended by the expression "the Quebec Judges," and the said judicial districts by the expression "the Quebec division," and the Election Court, as respects any Electoral District herein, shall be held at the City of Quebec:

And in the said Province, the Judges of the Superior Court ~~The same,~~ directed to reside at the City of Montreal, or to perform judicial duties in any one of the judicial districts of Montreal, Ottawa, Terrebonne, Joliette, Richelieu, St. Francis, Bedford, St. Hyacinthe, Iberville or Beauharnois, if the petition relates to any election for an Electoral District in any one of the said judicial districts; and the said Judges shall be hereinafter intended by the expression "the Montreal Judges;" and the said judicial districts by the expression "the Montreal division," and the Election Court, as respects any electoral district therein, shall be held at the City of Montreal.

The judicial districts intended by this Act, shall be those now established in the said Province; and for the purposes of this Act, if an Electoral District extends into two or more such judicial districts, it shall be held to be in that one in which the greater part of it lies: Judicial Districts in Quebec.

2. In the Province of Ontario, the Chancellor and Vice Chancellors, and the Judges of the Courts of Queen's Bench and Common Pleas respectively; and the Election Court shall be held at Toronto: Election Court In Ontario.

3. In the Province of Nova Scotia, the Judges of the Supreme Court of that Province; and the Election Court shall be held at Halifax: In Nova Scotia.

4. In the Province of New Brunswick, the Judges of the Supreme Court of that Province; and the Election Court shall be held at Fredericton: In New Brunswick.

5. In the Province of Manitoba, the Judges of the Court of Queen's Bench of that Province; and the Election Court shall be held at Winnipeg:— In Manitoba.

6. In the Province of British Columbia, the Judges of the Supreme Court of Civil Justice of that Province; and the Election Court shall be held at Victoria. In British Columbia.

7. If no such order as aforesaid of the Lieutenant Governor in Council shall be made in any one of the said Provinces, or having been made, shall cease to be in force, the Governor General may appoint not less than three nor more than five persons, being barristers in such Province of at least ten years' standing, to be judges *ad hoc* for the purposes of this Act, in and for such Province, and of whom any one may try any election petition relating to an election for any Electoral District in such Province, and of whom any three may hold the Election Court for the same; and such court shall be held in the Province of Quebec, at the city of Quebec, and if in any other Province then at the place hereinafore appointed for holding the Election Court for such Province: such Judges *ad hoc* shall hold their offices during good behaviour, or until they resign the same, or a general court of appeal for the Dominion shall be established. If any Local Government does not give such consent, Judges *ad hoc* to be appointed.
 Tenure of office.

Judges may arrange as to rotation for duty.

8. The Judges of each Election Court may arrange among themselves by what Judge or Judges thereof any duty assigned to the Election Court or a Judge thereof shall be performed.

Allowance to Provincial Judges for duties under this Act.

9. Every Judge of any of the Provincial courts who, under the provisions of this Act, becomes liable to be called upon to try any election petition, or to act as a member of an Election Court, shall receive an allowance for the same of one hundred dollars for each election petition tried by him, in addition to his salary as such Judge of a Provincial court, and a further allowance of ten dollars *per diem* for each day during which he is necessarily engaged in the trial of an election petition, or at a sitting of the Election Court; and

And to Judges *ad hoc*.

2. Every Judge *ad hoc* under this Act shall receive a like allowance of one hundred dollars for each election petition tried by him, and a further allowance of ten dollars *per diem* for each day during which he is necessarily engaged in the trial of an election petition, or at a sitting of the Election Court;

How payable.

3. And such allowances shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada on the report of the Auditor General that they have been claimed and are due.

Presentation of an Election Petition.

10. A petition complaining of an undue return, or undue election of a member, or of no return or a double return, at any election held after the coming into force of this Act, may be presented to the Election Court by any one or more of the following persons—

(1.) Some person who was duly qualified to vote at the election to which the petition relates; or

(2.) Some person claiming to have had a right to be returned or elected at such election; or

(3.) Some person alleging himself to have been a candidate at such election:

And such petition is in this Act called an election petition.

The same.

11. The following enactments are made with respect to the presentation of an election petition under this Act:

Form and allegations of petition.

1. The petition may be in any prescribed form; but if, or in so far as no form is prescribed, it need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or that a double return has been made, or of matter contained in any special return made; and it must be signed by the petitioner, or all the petitioners if there are more than one:

When to be presented in ordinary cases

2. The petition must be presented not later than thirty days after the day of publication in the *Canada Gazette* of the receipt of

of the return by the Clerk of the Crown in Chancery; unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other act of bribery, to have been committed by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practice, in which case the petition may be presented at any time within thirty days after the date of such payment or act so committed:

If specific bribery be alleged.

3. Presentation of a petition shall be made by delivering it at the office of the Clerk of the Election Court, or in any other prescribed manner:

How presented.

4. At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner,—

Security for costs, and in whose favour.

(a.) To any person summoned as a witness on his behalf; or,

(b.) To the member whose election or return is complained of (who is hereinafter referred to as the respondent),—or

(c.) To the Returning Officer, if his conduct be complained of,—

Shall be given on behalf of the petitioner:

5. The security shall be to the extent of one thousand dollars. It shall be given either by recognizance, to be entered into by any number of sureties, not exceeding four, or by a deposit of money with the Clerk of the Election Court, if no other manner be prescribed, or in the prescribed manner (if any) or partly by recognizance and partly by such deposit.

How given.

6. On the presentation of the petition, the Clerk of the Election Court shall send a copy thereof by mail to the Returning Officer of the Electoral District to which the petition relates, who shall forthwith publish the same in such Electoral District.

Copy of petition to returning officer for publication.

7. It shall be the duty of the Clerk of the Crown in Chancery to publish a notice of the receipt of the return by him in the next ordinary issue of the *Canada Gazette*, after such receipt.

Clerk of Crown to publish returns made to him.

12. Notice of the presentation of a petition under this Act, and the nature of the proposed security, accompanied with a copy of the petition, shall, within five days after the day on which the security is given, or within the prescribed time, or within such longer time as the Election Court or any Judge thereof, may, under special circumstances of difficulty in effecting service, allow, be served by the petitioner on the respondent; and it shall be lawful for the respondent, where the security is given wholly or partially by recognizance, within five days from the day of the service on him of the notice, to object in writing to such recognizance; on the ground that the sureties, or any of them, are insufficient;

Service of petition on the respondent.

Respondent may object to recognizance.

Provision if
personal ser-
vice cannot be
effected.

insufficient ; or that a surety is dead ; or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same. In case service cannot be effected on the respondent either personally or at his domicile, within the time granted by the Election Court or Judge, then it may be effected upon such other person, or in such other manner as the Court or Judge, on the application of the petitioner, may appoint.

Objections to
security how
determined.

13. Any objection made to the security given shall be heard and decided in the prescribed manner, or if none be prescribed, then by one Judge of the Election Court, in a summary manner :— If an objection to the security is allowed, it shall be lawful for the petitioner, within five days after the day of such allowance, to remove such objection by a deposit in the prescribed manner, if any, and if none, then in the hands of the Clerk of the Election Court, of such sum of money as may be deemed, by the Judge or any prescribed officer having cognizance of the matter, proper to make the security sufficient. If, on objection made, the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition ; otherwise, on the expiration, without objection made, of the time limited for making objections, or after objection made, on the sufficiency of the security being established, the petition shall be held to be at issue, unless preliminary objections or grounds of insufficiency be urged under the following section, within the time thereby limited.

If objections
allowed be
not removed.

When the
petition shall
be at issue.

Preliminary
objections to
petition, and
how decided.

14. Within five days after the expiration of the time limited for objecting to the security, or after the security has been established, the respondent may present in writing any preliminary objections or grounds of insufficiency which he may have to urge against the petition, or against any further proceedings thereon, and shall, in such case, at the same time, file a copy thereof for the petitioner. The Election Court, or any Judge thereof, shall thereupon hear the parties upon such objections and grounds, and shall decide the same in a summary manner.

Answer to
petition.

15. Within five days after the decision upon the preliminary objections, if presented and not allowed, or on the expiration of the time for presenting the same, if none be presented, the respondent may file a written answer to the petition, together with a copy thereof for the petitioner ; but whether such answer be or be not filed, the petition shall be held to be at issue, after the expiration of the said five days, and the Election Court shall, upon the application of either party, fix some convenient day and place for the hearing of the case and the production of evidence.

List of peti-
tions at issue
to be made by
the Clerk.

16. The Clerk of the Election Court shall, as soon as may be, make out a list of all petitions presented under this Act, and which are at issue, placing them in the order in which they were presented ; and shall keep at his office a copy of such list (to be
after

after referred to as the election list), open to the inspection of any person making application; and such petitions, as far as conveniently may be, shall be tried in the order in which they stand on such list.

17. Any one Judge of the Election Court, may receive and decide upon the security aforesaid and all matters relating thereto; and may perform any of the duties and exercise any of the powers of the Election Court, except such as are herein specially directed to be performed or exercised by the Court only, or as relate to the decision of points of law raised by the petition, or in any special case, or reserved by the Judge for the determination of the Court; and the Judge may so reserve any such point raised in any proceeding under this Act. One Judge sufficient, except in certain cases.

18. Every election petition shall, except where it raises a question of law for the determination of the Court, be tried by one of the Judges of the Election Court, sitting in open court without a jury: How election petitions shall be tried.

The trial of an election petition shall take place in the Electoral District, the election or return for which is in question: Provided always that if it appears to the Election Court that special circumstances exist, which make it desirable that the petition should be tried elsewhere than in such Electoral District, the court may appoint such other place for the trial as may appear most convenient: Where the trial takes place. Proviso.

Notice of the time and place at which an election petition will be tried shall be given in the prescribed manner, not less than fourteen days before that on which the trial is to take place: Notice.

The Judge at the trial may adjourn the same from time to time, and from any one place to another, in the same Electoral District, as to him may seem convenient. Adjournment.

19. At the conclusion of the trial the Judge shall determine whether the member whose election or return is complained of, or any and what other person was duly returned or elected, or whether the election was void; and shall forthwith certify in writing such determination to the Speaker, appending thereto a copy of the notes of the evidence; and the determination thus certified shall be final to all intents and purposes. Decision and certificate of the Judge.

20. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the Judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker, as follows: Judge's report if corrupt practices are charged.

(a.) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at such election, stating the name of such candidate, and the nature of such corrupt practice;

(b.)

(b.) The names of any persons who have been proved, at the trial, to have been guilty of any corrupt practice ;

(c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

Special report
in his discre-
tion.

21. The Judge may, at the same time, make a special report to the Speaker, as to any matters arising in the course of the trial, an account of which, in his judgment, ought to be submitted to the House of Commons.

Court may
direct a special
case to be
stated.

22. When, upon the application of any party to an election petition duly made to the Election Court, it appears to the Court that the case raised by the petition can be conveniently stated as a special case, the Court may direct the same to be so stated, and any such special case shall, as far as may be, be heard before the Court ; and the decision of the Court shall be final ; and the Court shall certify to the Speaker its decision on such special case :

Questions of
law may be
reserved.

23. Provided also, that if it appears to the Judge, on the trial of the petition, that any question or questions of law, as to the admissibility of evidence or otherwise, require further consideration by the Election Court, then it shall be lawful for the Judge to postpone the granting of his certificate until the determination of such question or questions by the Court ; and for this purpose to reserve any such question or questions, in like manner as questions are usually reserved by a Judge, on a trial at *nisi prius*, or in the Province of Quebec on a trial by jury.

Speaker's duty
on receiving
report.

24. The Speaker shall, at the earliest practicable moment after he receives the certificate and report or reports (if any) of the Election Court or of the Judge, give the necessary directions and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, (for which purpose he may address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery,) or for otherwise carrying the determination into execution, as circumstances may require ; and shall, at the earliest practicable moment, communicate to the House of Commons the said certificate and report or reports with a report of his action thereon,

Case of special
report.

25. Where the Judge makes a special report, the House of Commons may make such order in respect of such special report, as they think proper.

As to evidence
of corrupt
practices.

26. Unless the Judge otherwise directs, any charge of corrupt practices may be gone into, and evidence in relation thereto received, before any proof has been given of agency on the part of any candidate in respect of such corrupt practices.

Acceptance of
office not to
stop proceed-
ings.

27. An election petition may be presented, and the trial of an election petition under this Act shall be proceeded with, notwithstanding

withstanding the acceptance by the respondent of an office of profit under the Crown ; but the respondent may notwithstanding anything in this or any other Act contained, accept office at any time after the election, subject always to the provisions of ^{Proviso.} the twelfth section of the Act passed in the thirty-first year of 31 V., c. 25, Her Majesty's Reign, and intituled "*An Act further securing the Independence of Parliament*," in construing which after this Act is in force, the words " Election Court, or Judge " shall be substituted for the words " election committee."

28. The trial of an election petition under this Act, shall be ^{Nor proroga-} proceeded with, notwithstanding the prorogation of the Parliament ^{tion.} of Canada.

PROCEDURE.

29. Notice of an election petition under this Act shall be served ^{Service of} as nearly as may be in the manner in which a writ of summons is ^{election peti-} served in civil matters, or in such other manner as may be prescribed. ^{tion.}

30. Two or more candidates may be made respondents to the ^{Joint respon-} same petition, and their cases may, for the sake of convenience be ^{dents.} tried at the same time ; but for all other purposes of this Act such petition shall be deemed to be a separate petition against each respondent.

31. When, under this Act, more petitions than one are presented ^{When there is} relating to the same election or return, all such petitions shall, in ^{more than one} the election list, be bracketed together, and shall be dealt with, as ^{petition as to} far as may be, as one petition ; but such petitions shall stand in ^{the same} the election list in the place where the last presented of them ^{election.} would have stood if it had been the only one presented as to such election or return, unless the Election Court orders otherwise.

JURISDICTION AND RULES OF COURT.

32. The Judges of each Election Court, or a majority of them, ^{Judges to} may, respectively, from time to time, make, and may, from time ^{make rules.} to time, revoke and alter general rules, and orders (in this Act referred to as the rules of court) for the effectual execution of this Act, and of the intention and object thereof, and the regulation of the practice and procedure and costs with respect to election petitions and the trial thereof, and the certifying and reporting thereon.

(2.) Any general rules and orders made as aforesaid, and not ^{Their effect.} inconsistent with this Act, shall be deemed to be within the powers conferred by this Act, and shall, while unrevoked, be of the same force as if they were enacted in the body of this Act.

(3.) Any general rules and orders made in pursuance of this ^{To be laid} section, shall be laid before the House of Commons, within three ^{before House} weeks after they are made, if Parliament be then sitting, and if ^{of Commons.} Parliament

Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

Practice in cases not provided for.

33. Until rules of court have been made by the Judges of any Election Court, in pursuance of this Act, and so far as such rules do not extend, the principles, practice and rules on which election petitions touching the election of Members of the House of Commons in England, are, at the time of the passing of this Act, dealt with, shall be observed, so far as consistently with this Act they may be observed, by such Election Court or any Judge thereof.

ATTENDANCE AND JURISDICTION OF THE JUDGE.

Reception of and attendance on the Judge.

34. The Judge shall be received and attended at the place where he is about to try an election petition under this Act, if he be not resident there, in the same manner, so far as circumstances will admit, as if he were about to hold a sitting at *nisi prius*, or a sitting of the Dominion or Provincial Court of which he is a member, or if he be a Judge appointed *ad hoc* under this Act, then as if he were a Judge of one of the superior courts of law for the Province.

Expenses, how paid.

35. Payments to the Judge, and all expenses incurred by the Sheriff or other officer, in consequence of any sitting for the trial of an election petition, and providing a court room and accessories, shall be defrayed in like manner as other incidental expenses payable by the Dominion under this Act.

Powers of the Court or Judge.

36. On the trial of an election petition and in other proceedings under this Act, the Election Court or the Judge, respectively, shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority, as one of the superior courts of law for the Province in which such election was held, sitting in term, would have in any civil or criminal case pending before it; and each Election Court shall be a court of record.

WITNESSES.

How subpoenaed and sworn.

37. Witnesses shall be subpoenaed and sworn in the same manner, as nearly as circumstances will admit, as in cases within the jurisdiction of the superior courts of law in the same Province; and shall be subject to the same penalties for perjury.

Compelling attendance of witnesses.

38. On the trial of an election petition under this Act, the Judge may, by order under his hand, compel the attendance of any person as a witness, who appears to him to have been concerned in the election to which the petition refers; and any person refusing to obey such order, shall be guilty of contempt of court.

Examination.

The Judge may examine any witness so compelled to attend or any person present, although such witness is not called and examined by any party to the petition. After the examination of a witness

witness as aforesaid by a Judge, such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

39. No person shall be excused from answering any question put to him under this Act, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of privilege or that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege or that such answer will tend to criminate himself, shall be used in any criminal proceeding against any such person, other than an indictment for perjury, if the Judge gives to the witness a certificate that he claimed the right to be excused on the grounds aforesaid, and made full and true answers to the satisfaction of the Judge.

Witnesses not excused from answering by certain circumstances.

Proviso: as to use of answers

40. The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this Act, according to the scale allowed to witnesses on the trial of civil actions in the superior courts of law in the same Province, may be allowed to such person by a certificate under the hand of the Judge or of the Clerk of the Election Court or prescribed officer; and such expenses, if the witness be called and examined by the Judge, shall be deemed part of the expenses of providing a court, and in other cases shall be deemed costs of the party calling the witness, and shall be taxed against such party interested in the trial of such petition as the Judge may determine.

Expenses of witnesses.

How paid.

41. The duties to be performed by the Clerk or other prescribed officer of any Election Court under this Act or the rules of court, shall, if the Election Court consists of Judges of any Dominion or Provincial Court or Courts, be performed by such officer or officers of the Court or Courts last mentioned, as the Judges of the Election Court may appoint; and if the Election Court consists of Judges appointed *ad hoc*, then by such person or persons as the Governor may appoint to act as such Clerk or other prescribed officer: and the remuneration to be allowed in either case for such services shall be fixed by the Governor in Council, on the report of the Election Court in question.

By what officers certain duties shall be performed.

WITHDRAWAL AND ABATEMENT OF ELECTION PETITIONS.

42. An election petition under this Act shall not be withdrawn without the leave of the Election Court or of the Judge (according as the petition is then before the court, or before the Judge for trial) upon special application to be made in and at the prescribed manner, time and place:

Withdrawal to be by leave of Court or Judge.

No such application shall be made until the prescribed notice has been given in the electoral district to which the petition relates, of the intention of the petitioner to make an application for the withdrawal of his petition.

Notice.

Substitution of a petitioner.

On the hearing of the application for withdrawal, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Election Court or to the Judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition :

Additional security may be ordered in certain cases.

The Election Court or any Judge may, if it or he think fit, substitute as petitioner any such applicant as aforesaid, and may further, if the proposed withdrawal is, in the opinion of the Court or Judge, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner ; and that to the extent of the sum named in such security, the original petitioner shall be liable to pay the costs of the substituted petitioner :

If no such order be made.

If no such order be made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition and subject to the like conditions shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution :

Effect of substitution.

Subject as aforesaid, a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

Costs.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the Election Court or the Judge otherwise orders.

All petitioners must join for withdrawal.

When there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Report in case of corrupt withdrawal.

43. In every case of the withdrawal of an election petition, under this Act, if the Election Court or the Judge is of opinion that the withdrawal of such petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, the Court or Judge shall report such opinion to the Speaker, stating the reasons thereof, and the circumstances attending the withdrawal.

Abatement by death of petitioner.

44. An election petition under this Act shall be abated by the death of a sole petitioner, or of the survivor of several petitioners.

Costs.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

Notice of abatement.

On the abatement of a petition, the prescribed notice of such abatement having taken place shall be given in the electoral district to which the petition relates ; and within the prescribed time after the notice is given, any person who might have been a petitioner

petitioner in respect of the election to which the petition relates, may apply to the Election Court or Judge, in and at the prescribed manner, time and place, to be substituted as a petitioner :

The Court or Judge may, if it or he think fit, substitute as a petitioner, any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition. Substitution of new petitioner.

45. If before or during the trial of any election petition under this Act, any of the following events happen in the case of the respondent (that is to say) : Effect of death of respondent.

(1.) If he dies ;

(2.) If the House of Commons has resolved that his seat is vacant ;

(3.) If he gives notice to the Election Court or to the Judge in and at the prescribed manner and time, that he does not intend to oppose, or further to oppose the petition ;

(4.) If he is summoned to Parliament as a member of the Senate,— notice of such event having taken place shall be given in the electoral district to which the petition relates; and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates, may apply to the Court or Judge, to be admitted as a respondent to oppose the petition, or so much thereof as may remain undisposed of; and such person shall, on such application, be admitted accordingly, to oppose such petition or such portion thereof, either with the respondent, if there be one, or in place of the respondent ; and any number of persons not exceeding three, may be so admitted ; and if either of such events happen during the trial, the Judge shall adjourn the same, in order to the giving of notice that such event has happened, as herein provided ; and the person or persons so admitted shall have the same liability as the respondent with respect to any costs thereafter incurred. Notice of such event to be made.
Admission of new respondent.
Adjournment during trial.
Liability of new respondent.

46. A respondent who has given the prescribed notice that he does not intend to oppose or further oppose the petition, shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not vote or sit in the House of Commons until the House has been informed of the report on the petition ; and the Election Court or the Judge shall, in all cases in which such notice has been given in the prescribed time and manner, report the same to the Speaker. Respondent not opposing petition not to act as a party, nor to vote or sit.

47. When an election petition under this Act complains of a double return, and the respondent has given notice in the prescribed time and manner that it is not his intention to oppose the petition, and no party has been admitted, in pursuance of this Act, to oppose the petition, then the petitioner, if there be no Case of double return, and respondent not opposing petition.
petition

petition complaining of the other member returned on such double return, may withdraw his petition, by notice addressed to the prescribed officer; and upon such withdrawal, the prescribed officer shall report the fact to the Speaker; and the House of Commons shall, thereupon, give the necessary directions for amending said double return, in such manner as the case may require.

COSTS.

Costs of proceedings under this Act.

48. All costs, charges and expenses of and incidental to presentation of an election petition under this Act, and to proceedings consequent thereon, with the exception of such charges and expenses as are by this Act otherwise provided shall be defrayed by the parties to or those opposing the petition in such manner and in such proportions as the Election Court or the Judge may determine,—regard being had to the disallowance of any costs, charges or expenses which may, in opinion of the court or judge, have been caused by vexatious conduct, unfounded allegations or unfounded objections, on the either of the petitioner or the respondent; and regard being had to the discouragement of any needless expense, by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole succe

How taxed and recovered.

The costs may be taxed in the prescribed manner and according to the same principles as they are taxed between parties in actions at law, and such costs may be recovered in the same manner as costs in actions at law in the same Province, or in such other manner as may be prescribed.

Enforcing recognizance in case of non-payment of costs.

49. If any petitioner in an election petition presented under this Act neglects or refuses for the space of six months to demand to pay to any person summoned as a witness on his behalf or to the respondent, any sum certified to be due to him for costs, charges and expenses, and if such neglect or refusal be within one year after such demand proved to the satisfaction of the Election Court,—in every such case every person who has entered a recognizance relating to such petition, under the provisions of this Act shall be held to have made default in the said recognizance, and the prescribed officer shall thereupon certify the default to be forfeited; and such certificate shall have the same effect as any such recognizance, as if the same were estreated or otherwise proceeded upon for enforcing payment of the sum forfeited; and such sum shall be paid to the prescribed officer, and shall, as also all moneys paid in as security on the presentation of an election petition, be paid as the Election Court or Judge may direct in pursuance of the recognizance and conditions of the security hereinbefore provided.

MISCELLANEOUS.

As to Sundays and holidays.

50. If the time limited by this Act for any proceeding or doing of anything under its provisions, expires or falls upon a

or any day which is a holiday under "The Interpretation Act," and so limited shall be extended to, and such thing may be done on the day next following which is not a Sunday or such day.

1. All elections held after the coming into force of this Act, shall be subject to the provisions thereof, and shall not be questioned otherwise than in accordance therewith; but no election or return held or made prior to the coming into force of this Act, shall be controverted or questioned under it, and all contestations of elections or returns shall be governed by the laws then in force, with respect to controverted elections for the House of Commons.

What election shall be tried under this Act, if controverted.

2. Whenever any election petition complains of the conduct of any Returning Officer, such Returning Officer shall, for all the purposes of this Act, except the admission of respondents in his petition, be deemed to be a respondent.

If returning officer be complained of

3. A petition under this Act, complaining of no return, may be presented, and shall be deemed to be an election petition within the meaning of this Act; and such order may be made thereon by the Election Court as it may deem expedient for compelling a return to be made; or the Election Court may allow such petition to be tried in the manner hereinbefore provided with respect to ordinary election petitions.

If the petition complains that no return was made.

4. On the trial of a petition under this Act complaining of an illegal return and claiming the seat for some person, the respondent shall give evidence to show that the election of such person was illegal, in the same manner as if he had presented a petition complaining of such election.

If seat be claimed for person not returned.

5. Any person who, according to the law of the Province in which the petition is to be tried, is entitled to practise as an attorney-at-law or solicitor before the superior courts of such Province, who is not a Member of the House of Commons, may practise as attorney or agent, and any person who, according to such law, is entitled to practise as a barrister-at-law or advocate before such courts, and who is not a Member of the House of Commons, may practise as counsel in the case of such petition and all matters arising therefrom, before any Election Court in such Province.

Who may practise in election cases as Attorney or Counsel.

6. The "Act respecting Controverted Parliamentary Elections," passed by the seventh of the Consolidated Statutes of Canada; chapter five of the Revised Statutes of Nova Scotia, Third Series, intituled "Of Controverted Elections;" chapter ninety-eight of the Revised Statutes of New Brunswick, intituled "Of Controverted Elections;" the Act of the Legislature of the Province of Manitoba, passed in the thirty-fourth year of Her Majesty's reign, and intituled "An Act to provide for the trial of Controverted Elections;" and the Act of the Legislature of the Province of British Columbia, passed in the thirty-fourth year of Her Majesty's reign, and intituled "An Act to make provision

Repealing clauses; Acts of Canada, Nova Scotia, New Brunswick, Manitoba.

of British Columbia.

Other inconsistent enactments.

for enquiring into Controverted Elections and disputed returns of members to serve in the Legislature," and all Acts, laws or enactments amending the same or any of them, or inconsistent with this Act, or making any provision in any matter provided for by this Act, shall be and are hereby repealed as to all elections of Members of the House of Commons to be held after the coming into force of this Act.

Commencement of this Act.

57. This Act shall come into force and effect on the first day of November next after the passing thereof.

CHAP. 29.

An Act to change the limits of the Counties of Montcalm and Joliette, for electoral purposes.

[*ssented to 23rd May, 1873.*]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Part of Kildare attached to St. Alphonse de Liguori.

1. The territory comprising the lots of land numbers one, two and three of the first range of the township of Kildare, in the County of Joliette, is attached to and shall form part of the parish of St. Alphonse de Liguori, and of the County of Montcalm, for electoral purposes.

C.S.C., c. 2, s. 1, and C.S. L.C., c. 75, s. 1 amended.

2. The first section of chapter two of the Consolidated Statutes of Canada, and the sixteenth and seventeenth subsections of section one, of chapter seventy-five of the Consolidated Statutes for Lower Canada, in so far as they apply to representation in the House of Commons of Canada, shall be read and interpreted in conformity with the foregoing provision.

CHAP. 30.

An Act to re-adjust the amounts payable to and chargeable against the several Provinces of Canada by the Dominion Government, so far as they depend on the debt with which they respectively entered the Union.

[*ssented to 23rd May, 1873.*]

Preamble.

WHEREAS by the provisions of "*The British North America Act, 1867,*" and by the terms and conditions under which the Provinces of British Columbia and Manitoba were admitted
into

to the Dominion, Canada became liable for the debts and liabilities of each Province, existing at the time of its becoming part of the Dominion, subject to the provision that each Province should, in account with Canada, be charged with interest at the rate of five per cent. per annum on the amount by which its said debts and liabilities exceeded, or should receive interest at the same rate by way of yearly payments in advance, on the amount by which its said debts and liabilities fell short of, certain fixed amounts;

And whereas the amount fixed as aforesaid in the case of the Provinces of Ontario and Quebec, conjointly (as having theretofore formed the Province of Canada), was sixty-two million five hundred thousand dollars (\$62,500,000), and the debt of the said late Province, as now ascertained, exceeded the said sum by ten million five hundred and six thousand and eight-eight dollars and eighty-four cents (\$10,506,088.84) for the interest as aforesaid on which the said two Provinces were chargeable in account with Canada;

And whereas it is expedient to relieve the said Provinces of Ontario and Quebec from the said charge, and for that purpose hereafter to consider the fixed amount in their case as increased by the said sum of ten million five hundred and six thousand and eighty-eight dollars and eighty-four cents; and to compensate the other Provinces for this addition to the general debt of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In the accounts between the several Provinces of Canada and the Dominion, the amounts payable to and chargeable against the said Provinces respectively, in so far as they depend on the amount of debt with which each Province entered the Union, shall be calculated and allowed as if the sum fixed by the one hundred and twelfth section of "*The British North America Act, 1867*," were, increased from sixty-two million five hundred thousand dollars, to the sum of seventy-three million, six thousand and eighty-eight dollars and eighty-four cents, and as if the amounts fixed as aforesaid, as respects the Provinces of Nova Scotia and New Brunswick, by "*The British North America Act, 1867*," and as respects the Provinces of British Columbia and Manitoba by the terms and conditions on which they were admitted into the Dominion, were increased in the same proportion.

Increase of the sum fixed by B. N. A. Act, as to Quebec and Ontario; and as to other Provinces in same proportion.

2. The subsidies to the several Provinces, in July, one thousand eight hundred and seventy-three, shall be paid in accordance with the foregoing provisions of this Act.

Subsidies in July, 1873.

3. All sums payable under this Act shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada and accounted for in like manner as other moneys payable for like purposes out of the same.

Sums under this Act how paid and accounted for

CHAP. 31.

An Act for the re-adjustment of the salaries and allowances of the Judges and other Public Functionaries and Officers, and of the indemnity to the Members of the Senate and House of Commons.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is expedient, in view of the increased cost of living consequent upon the diminished value of money and other causes, to re-adjust the salaries and allowances of the Judges and other public functionaries and officers, hereinafter mentioned, and the indemnity to the members of the Senate and House of Commons. Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Enactments of 31 V.c. 33.

32, 33 V.c. 20. and

35 V.c. 20 inconsistent herewith repealed.

1. So much of the Act passed in the thirty-first year of Her Majesty's reign and intituled, "*An Act respecting the Governor General, the Civil List, and the salaries of certain Public Functionaries,*" and of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign and intituled, "*An Act to amend the Act thirty-first Victoria, chapter thirty-three, and to make further provision with respect to the salaries and travelling allowances of the Judges,*" and of the Act passed in the thirty-fifth year of Her Majesty's reign and intituled, "*An Act further to amend the Act 31 Victoria chapter 33,*" as fixes the salary and allowances of any judge, public functionary or officer hereinafter mentioned otherwise than the same is or are fixed by this Act, or as may be in any wise inconsistent with the provisions of this Act, is hereby repealed.

Salaries of Ministers.

2. The salaries of the following Ministers, Members of the Queen's Privy Council for Canada, shall be as follows, viz. :—

The Minister of Justice and Attorney General.....	\$7,000	per annum.
The Minister of Militia and Defence...	7,000	"
The Minister of Customs.....	7,000	"
The Minister of Finance.....	7,000	"
The Minister of Public Works.....	7,000	"
The Minister of Inland Revenue.....	7,000	"
The Minister of the Interior.....	7,000	"
The President of the Queen's Privy Council.....	7,000	"
The Minister of Marine and Fisheries	7,000	"
The Postmaster General.....	7,000	"
The Minister of Agriculture.....	7,000	"
The Secretary of State of Canada.....	7,000	"
The Receiver General.....	7,000	"

And

And the Member of the Queen's Privy Council holding the recognized position of First Minister shall receive, in addition, one thousand dollars per annum, commencing from 1st January, 1873.

3. The salaries of the Lieutenant Governors of the several Provinces shall be as follows, viz. :— Salaries of Lt. Governors.

The Lieutenant Governor of Quebec.	\$10,000	per annum.
The Lieutenant Governor of Ontario.	10,000	"
The Lieutenant Governor of Nova Scotia.....	9,000	"
The Lieutenant Governor of New Brunswick.....	9,000	"
The Lieutenant Governor of Manitoba	9,000	"
The Lieutenant Governor of British Columbia.....	9,000	"

4. The Legislature of the Province of Quebec having at its now last session enacted that the Superior Court for that Province shall be composed of one Chief Justice and twenty-five Puisné Judges, the salaries of the several Judges of the Court of Queen's Bench and the Superior Court for the said Province shall be as follows, viz. :— Of Judges in the Province of Quebec.

The Chief Justice of the Court of Queen's Bench.....	\$6,000	per annum.
Four Puisné Judges of the said Court, each.....	5,000	"
The Chief Justice of the Superior Court	6,000	"
Ten Puisné Judges of the said Court, each.....	5,000	"
Twelve Puisné Judges of the said Court, each.....	4,000	"
Three Puisné Judges of the said Court, each.....	3,500	"

5. The salaries of the Judges of the Court of Queen's Bench, Chancery and Common Pleas in the Province of Ontario, shall be as follows, viz. :— Of Judges in the Province of Ontario.

The Chief Justice of the Court of Queen's Bench.....	\$6,000	per annum.
Two Puisné Judges of the said Court, each.....	5,000	"
The Chancellor.....	6,000	"
Two Vice-Chancellors, each.....	5,000	"
The Chief Justice of the Court of Common Pleas.....	6,000	
Two Puisné Judges of the said Court, each.....	5,000	"

And to the present presiding Judge of the Court of Error and Appeal for the said Province, there shall be paid in addition to his present

present allowance as such, a further allowance of one thousand dollars per annum, that sum being equal to the increase hereby made to the salary of the Chief Justice of the Court of Queen's Bench, the office theretofore held by the said presiding Judge.

Of Judges in the Province of Nova Scotia.

6. The salaries of Judges of the Supreme Court in the Province of Nova Scotia, shall be as follows, viz :—

The Chief Justice of the said Court	\$5,000	per annum.
The Judge in Equity.....	5,000	„
Five Puisné Judges of the said Court, each.....	4,000	„

Travelling allowances of said Judges.

7. The travelling allowances of each of the Judges mentioned in the four next preceding sections, shall be, as at present, such as may be allowed him by the Governor in Council.

Of Judges in the Province of Manitoba.

8. The salaries of the Judges of the Court of Queen's Bench in the Province of Manitoba, shall be as follows, viz. :—

The Chief Justice of the said Court.	\$5,000	per annum.
Two Puisné Judges of the said Court, each.....	4,000	„

Of Judges in the Province of British Columbia.

9. The salaries of the Judges of the Supreme Court of British Columbia appointed after the passing of the said Act, passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act to amend the Act 31 Victoria chapter 33,*" shall be as follows, viz. :—

The Chief Justice of the said Court...	\$5,000	per annum.
Two Puisné Judges of the said Court, each.....	4,000	„

The salaries of the Chief Justice and Puisné Judge of the said Court appointed before the passing of the said Act, remaining as mentioned in it.

Salaries and allowances of County Court Judges in Ontario and New Brunswick.

10. Except in the County of York, in the Province of Ontario, and the County of St. John, in the Province of New Brunswick ; the salary of each County Court Judge to be hereafter appointed, shall be two thousand dollars per annum, with two hundred dollars for travelling expenses ; and the salary of any County Court Judge, or of the Judge of the District of Algoma, hereafter appointed, or heretofore appointed and having heretofore received a salary less than two thousand four hundred dollars per annum, shall, after a period of three years of service as such County Court Judge, be two thousand four hundred dollars per annum, with the travelling allowances aforesaid ; and in each of the said Counties of York and St. John, the salary of any County Judge hereafter appointed shall be two thousand four hundred dollars, with two hundred dollars for travelling expenses ; and the salary of the present Judge of the County Court of the County of St. John shall be

be the sum last aforesaid, the salary of the present Judge of the County Court of the said County of York remaining as it now is :

The salary of each Junior Judge of a County Court in either of the said Provinces shall be two thousand dollars per annum, with two hundred dollars for travelling expenses.

11. The several increases of salaries, and other changes made by the foregoing sections of this Act, shall take effect from and after the first day of January in the present year one thousand eight hundred and seventy-three, and the increased salaries shall be payable in the same manner, out of the Consolidated Revenue Fund of Canada, as provided by the Act first hereinbefore cited with respect to the salaries therein mentioned.

From what time the increases shall take effect.

12. In case any Judge of a County Court in either of the Provinces of Ontario or New Brunswick becomes, after having continued in such office of Judge of a County Court in either of the said Provinces for fifteen years or upwards, afflicted with some permanent infirmity disabling him from the due execution of his office, then in case such Judge resigns his office, Her Majesty may by Letters Patent under the Great Seal of Canada, reciting such period of office and his disability from permanent infirmity duly to execute his office, grant such County Judge an annuity equal to two-thirds of the annual salary of which he was in receipt at the time of his resignation,—to commence immediately after his resignation and to continue thenceforth during his natural life and be payable *pro rata* for any period less than a year during such continuance, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Retiring allowance to County Judges in Ontario and New Brunswick.

13. The Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act relating to the Indemnity to Members and the Salaries of the Speakers, of both Houses of Parliament*," is hereby amended as follows, viz.:—

Act 31 V.c.3.

(1.) The first section of the said Act is hereby repealed and the following substituted for it, as the first section of the said Act,—

New Section in place of section 1.

"In each session of Parliament there shall be allowed to each Member of the Senate and House of Commons, attending at such session, ten dollars for each day's attendance, if the session do not extend beyond thirty days; and if the session extends beyond thirty days, then there shall be payable to each Member of the Senate and House of Commons attending at such session a sessional allowance of one thousand dollars, and no more."

(2.) The deductions to be made under the second and fifth sections of the said Act, shall be made at the rate of eight dollars per day, instead of five dollars as provided by the said sections.

Sections 2 and 5 amended.

(3.) The words "ten dollars" shall be substituted for the words "six dollars" whenever the last mentioned words occur in the third and fifth sections of the said Act.

Sections 3 and 5 amended.

To apply of
present
Session.
Case of ap-
journment
over 30 days.

(4.) The said amendments shall apply to the present session of Parliament; and if in the said present session either House should adjourn for a longer period than thirty days, such adjournment shall for the purposes of the said Act as hereby amended, be equivalent to a prorogation.

New section
in place of
section 12.

14. The twelfth section of the Act last aforesaid is hereby repealed and the following substituted for it as the twelfth section of the said Act,—

“The following salaries shall be payable to the officers hereinafter mentioned respectively :

To the Speaker of the Senate the sum of four thousand dollars per annum ;

To the Speaker of the House of Commons the sum of four thousand dollars per annum ;—”

From what
time to take
effect.

And the said section as so amended shall take effect from the first day of January in the present year, one thousand eight hundred and seventy-three.

Former Acts
to apply to
sums in this.

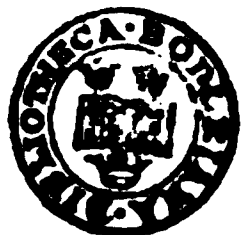
15. The other provisions of the Act last aforesaid shall apply to the sums mentioned in this Act in like manner as they did to those for which they are hereby respectively substituted.

\$75,000 for re-
adjusting
salaries of
civil servants.

16. The sum of seventy-five thousand dollars out of the Consolidated Revenue Fund of Canada, is hereby appropriated for the purpose of enabling His Excellency the Governor General to re-adjust the salaries of the Civil Servants in Canada, for the year beginning on the first day of January in the present year, one thousand eight hundred and seventy-three ;—and

\$2,500 and
\$5,000 for
House of Senate
and House of
Commons.

Out of the said Fund the sum of two thousand and five hundred dollars is hereby appropriated to effect a re-adjustment of the salaries of the officers and servants of the Senate, and the sum of five thousand dollars to effect a re-adjustment of the salaries of the officers and servants of the House of Commons, for the year beginning as aforesaid.



CHAP. 32.

An Act to amend the Civil Service Superannuation Act.

[Assented to 23rd May, 1873.]

Ensemble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The third section of the Act passed in the thirty third year of Her Majesty's reign, and intituled "*An Act for better ensuring the efficiency of the Civil Service of Canada, by providing for the Superannuation of persons employed therein, in certain cases,*" is hereby amended by substituting the words "two per cent." for the words "four per cent.," and the words "one and a quarter per cent.," for the words "two and a half per cent.," where they occur in the said section. S. 3 of 33 V.,
c. 4 amended.

2. The fourth section of the said Act is hereby amended by substituting for the words "a diminution of one twentieth," the words "a diminution of one per cent.,"—and by inserting, at the end of the said section, the words, "and except also, that the superannuation allowance of any person hereafter retiring, shall not be subject to any such diminution by reason of his not having paid the abatement hereinbefore mentioned, during any year or years after his first thirty-five years of service." Section 4
amended.

CHAP. 33,

An Act respecting the Ocean Mail Service.

[Assented to 23rd May, 1873.]

WHEREAS under the authority of an Order in Council dated the twenty-eighth day of January, one thousand eight hundred and seventy-three, a provisional contract (a copy whereof is hereunto attached and marked as schedule A) has been entered into by and between Sir Hugh Allan, of the first part, and the Postmaster General of this Dominion, of the second part, for a weekly line of Ocean Mail Steamers, on certain terms and subject to certain conditions therein set forth; and whereas the said agreement is subject to a proviso that the same is to go into effect, if sanctioned and authorized by the Parliament of Canada at the then next session thereof, and not otherwise; and whereas it is expedient to sanction and confirm the said agreement save as it is hereinafter modified: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

Recital of con-
tract.

1. The said contract and all the matters and things therein contained are hereby sanctioned and confirmed, and declared to be effectual to all intents and purposes: Provided that the said Sir Hugh Allan shall within two months after the passing of this Act agree with the Postmaster General that he the said Postmaster General shall have the power to void the said contract at any time by giving the said Sir Hugh Allan twelve months previous notice of the intention of the Postmaster General to do so. Contract con-
firmed.

SCHEDULE

SCHEDULE A.

Copy of
agreement.

THIS AGREEMENT, made the first day of February, in the year of Our Lord one thousand eight hundred and seventy-three, between Sir Hugh Allan, of the City of Montreal, in the Province of Quebec, in the Dominion of Canada, Ship-owner, and the Honorable Alexander Campbell, Postmaster-General of the said Dominion, witnesseth that:—

1. The said Sir Hugh Allan doth hereby promise and engage, and bind and oblige himself, his heirs and assigns, to establish, maintain and keep up a regular line of large and powerful steamers to ply between the Port of Liverpool and the Port of Quebec, or Montreal, once in every seven days during the season of and for the navigation of the River St. Lawrence, and between the ports of Liverpool and Portland once also in every seven days during the winter, subject to the modifications to ports of call which may be required under subsequent clauses.

2. That the said steamers shall be first-class vessels, and the line shall consist of the *Austrian*, *Hibernian*, *Moravian*, *Peruvian*, *Nestorian*, *Frussian*, *Polynesian*, *Sarmatian*, *Scandinavian*, *Nova Scotian* and *Circassian*, and such other vessels as may be subsequently built or purchased; but no steamer thus built or purchased is to be of less size or power than the *Hibernian*.

3. That the said Sir Hugh Allan agrees to perform the service to and from Liverpool, and to and from Quebec or Montreal, during the St. Lawrence navigation, until its close, every year, and to make at least twenty-six trips from Liverpool to Quebec, or Montreal, during the St. Lawrence navigation, and at least twenty-six trips from Quebec, or Montreal, to Liverpool during the said time; and the communication between Liverpool and Portland shall commence each year at the time of the close of the navigation of the River St. Lawrence, and shall continue until the opening thereof; and during that time the said Sir Hugh Allan shall be bound to make weekly trips from Liverpool to Portland, and weekly trips from Portland to Liverpool, so that during each year there shall be provided a weekly service of fifty-two voyages, both to and from America; the said contractor hereby binding himself to call with each of the said steamers, and receive and land the mails at Londonderry, or such other port in Ireland, as may be from time to time decided upon by the Postmaster-General of Canada.

4. That one of the said steamers shall leave Liverpool, and one shall leave Quebec or Montreal once every seven days during the St. Lawrence navigation season, and that one shall leave Liverpool and Portland respectively, also once every seven days during the time when the navigation shall be closed on the River St. Lawrence in the winter.

5.

5. That the said contractor shall have the option, from time to time, of deciding on the Port of Quebec, or that of Montreal, for the termination of the trips of the said vessels to the St. Lawrence, as the state of the water in the river and lake or other cause may in his judgment make it advisable; but he shall not have the right to terminate the voyage at Quebec without the sanction of the Postmaster-General, except in cases when the steamer may reach Quebec too late to admit of an extension of the voyage to Montreal.

6. That the steamers are never to approach Cape Race when the weather is so foggy or tempestuous as to make it dangerous to do so.

7. That the service under this contract shall commence on the first day of April, eighteen hundred and seventy-three (1873), and shall continue up to and until the first day of April, eighteen hundred and seventy-eight (1878), and shall not then terminate, but shall continue in force thereafter, in all its provisions until either party to the contract shall give to the other party twelve months' previous notice of a desire to terminate the same; and then, and in such case, at the expiration of such twelve months' notice, the contract shall absolutely cease and determine: and during the continuance of the contract the said contractor shall be bound to carry by each trip of the said steamers such mails as may be given to him, or to the officers in charge of his vessels, by the Postmaster-General of Canada, for transmission to Liverpool or Ireland, or by the Post Office authority in Liverpool, or Ireland, for carriage to Canada, or such other mails between the said ports as may be required to be carried at the instance or by the command of the said Postmaster-General.

8. That the mails be received and delivered respectively by the contractor at Liverpool, Londonderry, Quebec, or Portland, as the case may be, and the expenses of conveying the mails to the steamships from the said places, and from the steamships to the said places, is to be borne by the contractor.

9. That there is to be no liability under this contract on the part of the said contractor for the contents of the said mails, when the same are not delivered, in case the failure to deliver the same is the result of the dangers of the sea, or of such as are peculiar to steam navigation, and not caused by neglect or want of proper skill, or by misconduct on the part of the said contractor, his agents or servants.

10. That the said contractor shall find and furnish sufficient accommodation and space on board each of the said steamers for keeping the mails, and for assorting and distributing the same on board, and to be called "Post Office," and to fit up such apartments in such manner as the said Postmaster-General shall require, and also shall and will carry and transport on board each of such steamers, such officers and clerks, not exceeding two in
number

number in each steamer, for the purpose of guarding, assorting and taking care of such mails, and find and provide them with the usual rations and cabin accommodation.

11. That the said contractor shall furnish and supply the said steamers with sufficient fuel, stores and provisions, tackle, and all things needful and necessary to enable them to perform the voyages contracted for, and to secure the safety of the mails and passengers.

12. That the said contractor shall and will from time to time, and at all times during the continuance of this contract, make such alterations or improvements in the construction, equipments, or machinery of each and every of the said vessels which shall be used by him in the performance of this contract, as the advanced state of science may suggest, and advertize the sailing of the steamers in Europe and America in such manner as the Governor in Council may direct.

13. That the said steamers shall, in summer, call to land and receive mails at Father Point, or any other point in the St. Lawrence, to be fixed by the Postmaster-General, so soon as adequate facilities for that purpose shall be afforded, on their way up and down the St. Lawrence.

14. That the said steamers shall terminate their winter voyages at Portland, or such other port as the Postmaster-General may from time to time designate for that purpose, and shall call at Halifax on those voyages should the Postmaster-General so require.

15. That the days for the departure of the said steamers shall be appointed by His Excellency the Governor-General in Council and so often as he may think fit and proper for the best interests of the public service, provided that in case of changes, two months notice be given to the contractor by the Government.

16. That the said Postmaster-General shall, in case of need, have the right to delay the sailing of any of the said ships for the space of twenty-four hours.

17. That the Postmaster-General shall have the right to delay the sailing of any of the said ships for a further space of time, not exceeding forty-eight hours, and for such additional delay the contractor shall be entitled to claim payment at the rate of one hundred pounds currency for each twenty-four hours of delay, beyond the first twenty-four hours provided for in the preceding clause.

18. That the said Sir Hugh Allan doth bind and oblige himself to have, at all times, the command of a sufficient number of steamers of the description aforesaid to perform the trips hereinbefore mentioned and agreed upon, and that the time occupied by the said steamers on the outward passage from Liverpool, shall
not

not exceed fourteen days, and on the homeward passage, shall not exceed thirteen days on an average of the trips performed every three months; but if, from the prevalence of tempestuous weather, the outward passages from Liverpool to Portland during the months of December, January and February, should in any year exceed fourteen days on an average of the trips performed during said three months, the said Sir Hugh Allan shall not be subject to any penalty in consequence thereof, provided the average of such outward trips for the said named months does not exceed fifteen days.

Copy of
agreement.

19. That, in reckoning the time occupied by the steamers on the outward voyages, allowance shall be made for the time during which the steamers may wait at Londonderry for the arrival of the mails for Canada.

20. That when the presence of fog or ice makes it dangerous to run the vessel at full speed, it shall be the duty of the captain either to slacken the speed, or to stop the vessel as occasion may require, and the time lost by doing so, if proved to the satisfaction of the Postmaster-General, as hereinafter mentioned, shall be allowed to the contractor in addition to the time specified for the length of the voyage.

21. That the proof shall be by a report of the facts, made and sworn to by the captain, and such other evidence as the contractor shall adduce, or the Postmaster-General shall require or obtain; and the proof to be submitted by the said Sir Hugh Allan, shall be submitted to the Postmaster-General immediately after the arrival of the steamer at her port, namely, at Quebec, Portland or Liverpool; such report and affidavit of the captain as to the time lost and the necessity thereof, shall be sufficient *prima facie* evidence for the purpose of the preceding clause.

22. That in the event of any serious accident happening to any of the steamers employed under this contract, whereby she may be disabled from making her homeward voyage, the contractor will be at liberty to substitute another steamship to carry the mails for that trip only.

23. That the said contractor shall not be called upon to pay for Dominion lights, or other similar dues during this contract, to which the said contractor, as owner of the steamers to be employed on the said service, should be liable.

24. That in case the average length of the homeward voyages in any three months exceeds the contract time subject to the allowances already provided for, the contractor shall pay one hundred pounds currency for every twenty-four hours of such excess for the first one hundred and forty-four hours' excess upon the aggregate of the voyages of such three months, as compared with the contract time, and two hundred pounds currency for every twenty-four hours of excess beyond the first one hundred and forty-four hours of excess upon such three months' voyages.

Copy of
agreement.

25. That no penalty shall be incurred by any delay occasioned by shipwreck or accident, not arising from misconduct, or from want of skill or foresight on the part of the contractor or his servants, or occasioned by aiding vessels in distress, or their passengers.

26. That the said Sir Hugh Allan doth bind and oblige himself to pay to the Receiver-General of Canada, for every trip not performed according to this contract, a penalty of five thousand dollars; and shall not be entitled to the payment for the trip or trip not made, in proportion to the amount of the present contract for the whole of the trips contracted for.

27. That the present contract is made for and in consideration of the sum of one hundred and twenty-six thousand five hundred and thirty-three dollars and thirty-three cents (\$126,533.33) per annum, to be paid quarterly to the said contractor by the said Postmaster-General, the first payment to be made on the first day of July, eighteen hundred and seventy-three (1873).

28. That it shall be at the option of the Government of Canada to put an end to this contract, and render the same null and void at any time, should the terms and conditions thereof not be fairly fulfilled and carried out in their true and honest meaning, and this without being obliged to have recourse to law; but this contract shall not be voidable by the Government so long as the terms and conditions of it are fairly fulfilled and carried out in their true and honest meaning; and the right of the Government to annul the same for any cause shall be decided on by some tribunal having jurisdiction in such matters, if such there be, or by any tribunal which may be created or appointed by Parliament for this purpose; and such tribunal shall decide summarily, and without appeal by the said Sir Hugh Allan, and may, for the sake of expedition and substantial justice, dispense with the forms and rules of procedure applicable to other cases.

29. That should the Government of Canada determine upon annulling the contract, no penalty shall be payable for the breach or any of the breaches for which this contract shall be so annulled.

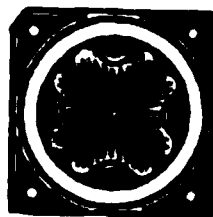
30. That should the Postmaster-General appoint any other port in Ireland than Londonderry for receiving and delivering the mails, such other variations shall be made in the conditions of the contract as may be equitable in consequence of such changes of port.

31. That the said contractor will have the power to void this contract at any time by giving the Government twelve months previous notice of his intention to do so.

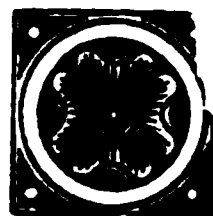
32. That this contract is made subject to the sanction of Parliament at its next session.

In witness thereof, the said parties have hereunto set their hands and seals, this first day of February, in the year of Our Lord, one thousand eight hundred and seventy-three.

(Signed), A. CAMPBELL,
Postmaster-General.



" HUGH ALLAN.



Signed, sealed and delivered in
presence of
W. H. GRIFFIN.
OTTAWA, 1st February, 1873.

CHAP. 34.

An Act further to amend the "Act to make further provision for the government of the North West Territories."

[Assented to 23rd May, 1873.]

Preamble.
[N amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to make further provision for the Government of the North West Territories*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The laws, institutions and ordinances which the Governor in Council is empowered by the said Act from time to time to authorize the Lieutenant-Governor of the North West Territories to make, ordain and establish for the administration of justice in the same, and for the peace, order and good government of Her Majesty's subjects and others therein, shall hereafter be made, ordained and established by the Lieutenant-Governor, by and with the advice and consent of the Council appointed under the said Act, or any Act amending it, to aid in the administration of the North West Territories; and any Order of the Governor in Council made under the said Act, and giving such authority to the Lieutenant-Governor and his Council, is hereby confirmed, and shall be in force until repealed or altered by any subsequent Order of the Governor in Council made under the Act first herein cited.

Form of en-
acting laws.

Orders in
Council under
the said Act
confirmed.

2. Subject to the provisions hereinafter made, it shall be lawful for the Governor in Council to make laws for the peace, order and good government of the said North West Territories and of Her Majesty's subjects therein, in relation to all matters and subjects

Governor in
Council may
make such
laws as Lt.
Governor in
Council is not

empowered to make.

Extent of either authority.

Laws not to be made for certain purposes.

Disallowance of laws and laying them before Parliament.

Copies for Queen's Printer to be evidence.

Customs and Excise laws.

jects in relation to which the Lieutenant Governor and his Council aforesaid are not then empowered to make laws; and for that purpose, either to make new laws or to extend and apply and declare applicable to the North West Territories, with such amendments and modifications as may be deemed necessary, any Act or Acts of the Parliament of Canada, or any parts thereof; and from time to time to amend or repeal any such laws and make others in their stead. The power hereby given shall extend to the modification, amendment or repeal of any Act mentioned in the schedule to this Act; and the Lieutenant-Governor, acting with the advice and consent of his Council, shall have like powers with respect to the subjects and matters in relation to which he is empowered to make laws:

3. Provided always, that no law to be so made, either by the Governor in Council or by the Lieutenant-Governor of the said Territories, with the advice and consent of his Council, shall,—

1. Be inconsistent with any provision of any Act of the Parliament of Canada expressly referring to the said Territories; or

2. Impose any tax or any duty of Customs or Excise, or any penalty exceeding one hundred dollars; or

3. Alter or repeal the punishment provided by any Act mentioned in the schedule to this Act, or extended as aforesaid to the said Territories, for any crime or offence, or the legal description or character of the crime or offence itself; or

4. appropriate any public money, lands or property of the Dominion without the authority of Parliament:

And a copy of every such law made by the Lieutenant-Governor of the said Territories and his Council, shall be mailed for transmission to the Governor in Council within ten days after its passing, and may be disallowed by him at any time within two years after its passing; and every such law made by the Governor in Council shall be laid before both Houses of Parliament as soon as conveniently may be after the making and passing thereof.

4. Any copy of any law made by the Governor in Council, or by the Lieutenant-Governor of the North West Territories, with the advice and consent of his Council, printed in the *Canada Gazette* or purporting to be printed by the Queen's Printer at Ottawa, or by the Queen's Printer or Printer to the Government of Manitoba at Winnipeg, shall be *prima facie* evidence of such law, and that it is in force.

5. Unless and until it is otherwise ordered under this Act, and subject to the provisions of any Act passed during the present session, such provisions of the Customs and Excise laws of Canada including those fixing the amount of duty, as shall be in force at any time in Manitoba, shall be also in force in the said North West Territories.

6. Unless and until it is otherwise ordered by any law to be made under this Act, and subject to the provisions of any Act passed during the present session, the Acts mentioned in the schedule to this Act, as limited in the said schedule ; shall apply to and be in force in the said North West Territories, as shall also all Acts of the Parliament of Canada relating to the Executive Government and the several Departments thereof, the public works of the Dominion, and the postal service and offences against the Acts relating thereto.

Certain Acts of Canada to be in force in N.W. Territories.

7. This Act shall come into force on the first day of November, in the present year 1873, and not before.

Commencement of Act.

SCHEDULE A.

Acts of the Parliament of Canada referred to in the sixth section of this Act.

Chapter.	TITLE.
<i>Acts passed in the First Session, 31st Victoria, 1867, 1868.</i>	
14	An Act to protect the inhabitants of Canada against lawless aggression from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions, and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
60	An Act for the better security of the Crown and of the Government. <i>Act amended by 32, 33 Vict., chap. 17.</i>
70	An Act respecting riots and riotous assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting Accessories to and Abettors in indictable offences.
73	An Act respecting the Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
<i>Acts passed in the Second Session, 32, 33 Victoria, 1869.</i>	
18	An Act respecting offences relating to the Coin.
19	An Act respecting Forgery.
20	An Act respecting offences against the Person.
21	An Act respecting Larceny and other similar offences.
22	An Act respecting Malicious Injuries to Property. <i>As amended by 35 Vict., chap. 24.</i>
23	An Act respecting Perjury. <i>As amended by 33 Vict., chap. 26.</i>

SCHEDULE A.—Continued.

Chapter.	TITLES.
24	An Act for the better preservation of the peace on Public Works. by 33 Vict., chap. 28.
29	An Act respecting Procedure in Criminal Cases, and other matters Criminal Law. Sections 1 to 7, both inclusive, relating to the app offenders ; sections 81 to 87, both inclusive, relating to the punishment and sections 125 to 138, both inclusive, relating to pardons, undergo limitation of actions and prosecutions, and general provisions. It will apply, in Manitoba, to offences committed in the North West Territory in Manitoba, and the persons committing them.
30	An Act respecting the duties of Justices of the Peace out of Sessions in persons charged with indictable offences. So far as respects indict committed in the North West Territories and triable in Manitoba, or in some Province of Canada, and the offender apprehended in the Territories.
31	An Act relating to the duties of Justices of the Peace out of Sessions to summary convictions and orders. Except so much of this Act (or amending it) as gives any appeal from any conviction or order made under it.
32	An Act respecting the prompt and summary administration of criminal certain cases. In applying this Act to the North West Territories sion "competent magistrate" shall be construed as meaning any two the Peace sitting together, as well as any functionary or tribunal powers of two Justices of the Peace, and the jurisdiction shall be abso the consent of the parties charged.
33	An Act respecting the trial and punishment of juvenile offenders. In this Act to the North West Territories, the expression "any two or m shall be construed as including any magistrate having the powers of 1 of the Peace. This Act shall not apply to any offence punishable by ment for two years or upwards, and it shall not be necessary that r be transmitted to any Clerk of the Peace.

CHAP. 35.

An Act respecting the Administration of Justice,
the establishment of a Police Force in the
West Territories.

[Assented to 23rd May,

Preamble.

HER MAJESTY, by and with the advice and conse
Senate and House of Commons of Canada, enact
lows :—

Stipendiary
Magistrates.

1. The Governor may from time to time appoint, by
sion under the Great Seal, one or more fit and proper p
persons to be and act as a Stipendiary Magistrate or Stip
Magistrates within the North West Territories, who sha
at such place or places as may be ordered by the Gov
Council; and the Governor in Council shall assign to a
Stipendiary Magistrate a yearly salary not exceedin
thousand dollars, together with his actual travelling exp

2. Every Stipendiary Magistrate shall hold office during pleasure; and shall exercise within the North West Territories, or within such limited portion of the same as may be prescribed by the Governor in Council, the magisterial, judicial and other functions appertaining to any Justice of the Peace, or any two Justices of the Peace, under any laws or Ordinances which may from time to time be in force in the North West Territories.

Tenure of
office and
general
powers.

3. Any Stipendiary Magistrate shall further have power to hear and determine, in a summary way and without the intervention of a jury, any charge against any person or persons for any of the following offences alleged to have been committed within the North West Territories, as follows:—

Power to try
certain offences
summarily.

1. Simple larceny, larceny from the person, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does not, in the judgment of such Stipendiary Magistrate, exceed one hundred dollars; or

Larceny, and

2. Having attempted to commit larceny from the person or simple larceny; or

Attempts at.

3. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person; or

Assaults.

4. With having committed an assault upon any female whatever, or upon any male child whose age does not, in the opinion of the magistrate, exceed fourteen years, such assault, if upon a female, not amounting, in his opinion, to an assault with intent to commit a rape; or

On females or
children.

5. Having assaulted, obstructed, molested or hindered any Stipendiary Magistrate, Justice of the Peace, Commissioner or Superintendent of Police, a policeman, constable or bailiff, or Officer of Customs or Excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof;

On magis-
trates.

And upon any conviction by such Stipendiary Magistrate, the person so convicted may be sentenced to such punishment as he thinks fit, by imprisonment for any period less than two years in any gaol or place of confinement, with or without hard labour, and with or without solitary confinement, or by fine, or by such imprisonment and fine.

Punishment.

4. The Chief Justice or any Judge of the Court of Queen's Bench of the Province of Manitoba, or any two Stipendiary Magistrates sitting together as a Court, shall have power and authority

Summary
trial of certain
offences by
Judge or two

Stipendiary
Magistrates.

Court of
record.

Punishment by
imprisonment.

thority to hear and determine within the North West Territories in a summary way and without the intervention of any Grand or Petty Jury, any charge against any person or persons for offences alleged to have been committed within the North West Territories, and the maximum punishment for which does not exceed seven years imprisonment; and such Court shall be a Court of record; and if imprisonment in a penitentiary be awarded in any such case, the Court may cause the convict to be conveyed to the penitentiary in the Province of Manitoba; and he shall undergo such punishment therein as if convicted in the Province of Manitoba.

Power to send
certain
offenders to
Manitoba for
trial.

Power to try
and punish in
Manitoba.

5. Any Justice of the Peace, or any Stipendiary Magistrate or any Judge of the Court of Queen's Bench of the Province of Manitoba, shall have power and authority to commit and cause to be conveyed to gaol in the Province of Manitoba, for trial by the said Court of Queen's Bench according to the laws of criminal procedure in force in the said Province, any person or persons at any time charged with the commission of any offence against any of the laws or Ordinances in force in the North West Territories, punishable by death or imprisonment in the penitentiary: and the Court of Queen's Bench and any Judge thereof, shall have power and authority to try any person arraigned before the said Court on any such charge; and the jury laws and laws of criminal procedure of the said Province shall apply to any such trial; except that the punishment to be awarded, upon conviction of any such person, shall be according to the laws in force in the North West Territories: and the sentence may be carried into effect in a penitentiary or other place of confinement in the said Province, as if the same were in the North West Territories.

Power to con-
vey prisoners
into Manitoba

6. Whenever, under either of the two next preceding sections any convict or accused person is ordered to be conveyed to gaol or to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, shall have the same power to hold and convey him, or to re-take him in case of an escape, and the gaoler or warden of the penitentiary in Manitoba shall have the same power to detain and deal with him, in the said Province, as if it were within the North West Territories, or as if the said convict or accused person had been ordered to be conveyed to such gaol or penitentiary by some competent Court or authority in the said Province.

Custody by
Police, where
there is no
gaol.

7. Where it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any Justice of the Peace or Stipendiary Magistrate, or any two Stipendiary Magistrates sitting together as aforesaid, or any Judge of the Court of Queen's Bench of Manitoba, may, according to their several powers and jurisdictions hereinbefore given, sentence such person so convicted before him or them, and sentenced, as aforesaid, to such imprisonment, to be placed and kept in the custody of the Police of the North West Territories

Territories, with or without hard labour,—the nature and extent of which shall be determined by the Justice of the Peace or Stipendiary Magistrate or Stipendiary Magistrates, or Judge, by or before whom such person was convicted.

8. The Governor in Council may cause to be erected in any part or parts of the North West Territories any building or buildings, or enclosure or enclosures, for the purposes of the gaol or lock-up, for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid.

Governor in Council may erect lock-up.

9. Whenever in any Act of the Parliament of Canada in force in the North West Territories, any officer is designated for carrying on any duty therein mentioned, and there shall be no such officer in the North West Territories, the Lieutenant Governor in Council may order by what other person or officer such duty shall be performed; and anything done by such person or officer, under such order, shall be valid and legal in the premises: or if it be in any such Act ordered that any document or thing shall be transmitted to any officer, Court, territorial division or place, and there shall be in the said North West Territories no such officer, Court or territorial division or place, then the Lieutenant Governor in Council may order to what officer, Court or place such transmission shall be made, or may dispense with the transmission thereof.

Supplying place of officers, not existing in N. W. Territories.

MOUNTED POLICE FORCE.

10. The Governor in Council may constitute a Police Force in and for the North West Territories, and the Governor may from time to time, as may be found necessary, appoint by commission, a Commissioner of Police, and one or more Superintendents of Police, together with a Paymaster, Surgeon and Veterinary Surgeon, each of whom shall hold office during pleasure.

Police force and officers.

11. The Commissioner of Police shall perform such duties and be subject to the control, orders and authority of such person or persons, as may, from time to time, be named by the Governor in Council for that purpose.

Commissioner.

12. The Governor in Council may, from time to time, authorize the Commissioner of Police to appoint, by warrant under his hand, such number of Constables and Sub-Constables as he may think proper, not exceeding in the whole three hundred men; and such number thereof shall be mounted as the Governor in Council may at any time direct.

Constables and sub-constables.

Mounted men.

13. No person shall be appointed to the Police Force unless he be of a sound constitution, able to ride, active and able-bodied, of good character, and between the ages of eighteen and forty years;

Qualification of policemen.

years ; nor unless he be able to read and write either the or French language.

Oath to be
taken by
them.

By whom
administered
and kept.

14. No person shall exercise any office in the said Force unless he shall have taken the oath of allegiance and the following of office : "I, A. B., solemnly swear that I will faithfully and impartially execute and perform the duties assigned to me of _____ in the Police Force of the North West Territories and will well and truly obey and perform all lawful instructions which I shall receive as such _____, without favor or affection of or towards any person or party who may be connected with the Force." So help me God : " and such oath may be taken by the Commissioner of Police before any Judge, Stipendiary Magistrate or Justice of the Peace having jurisdiction in the North West Territories, and by any other member of the Police Force before the Commissioner of Police, or any person having such jurisdiction as aforesaid ; and such oaths shall be retained by the Commissioner as part of the records of his office.

Officers to be
J. P's., and
men constables : and
where.

15. The Commissioner and every Superintendent of the Force shall be *ex-officio* a Justice of the Peace ; and every Constable and sub-constable of the Force shall be a constable in and for the whole of the North West Territories ; and may exercise the duties of his office in any part thereof, and in Manitoba in the cases before mentioned and provided for.

Articles of
engagement.

Enforcement.

16. Every constable and sub-constable shall, upon entering into the said Force, sign articles of engagement ; and the conditions of service which may be therein assigned may be enforced ; and the condition in the said articles shall always be that he shall remain in the Force for the period of three years, and shall not leave the Force without the permission of the Commissioner, unless he be dismissed or discharged therefrom, or shall have previously given six months notice in writing, to the Commissioner. The engagement shall be subject to the order of the Commissioner, and may be enforced by the Commissioner for the time being.

Free grants for
good service.

17. The Governor in Council may, from and out of any lands of the Dominion in the Province of Manitoba or North West Territories, make a free grant not exceeding one hundred and sixty acres, to any constable or sub-constable of the said force, who, at the expiration of three years of continuous service in the said Force, shall be certified by the Commissioner of Police to have conducted himself satisfactorily and to have efficiently and ably performed the duties of his office during the said term of three years.

Head-quarters.

18. The Governor in Council shall appoint the place at which the Head Quarters of the Force shall from time to time be held, and the office of the Commissioner shall be kept there, and the Force may be at any place in the North West Territories or Province of Manitoba.

19. It shall be the duty of the Force—**Duties of the Force.**

1. To perform all duties which now are or shall be hereafter assigned to constables in relation to the preservation of the peace, the prevention of crime, and of offences against the laws and Ordinances in force in the North West Territories, and the apprehension of criminals and offenders, and others who may be lawfully taken into custody ;

Prevention of crime.

2. To attend upon any Judge, Stipendiary Magistrate or Justice of the Peace, when thereunto specially required, and, subject to the orders of the Commissioner or Superintendent, to execute all warrants and perform all duties and services in relation thereto, which may, under this Act or the laws and Ordinances in force in the North West Territories, lawfully be performed by constables ;

Attending Judges, &c.

3. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners or lunatics, to or from any Courts, places of punishment or confinement, asylums or other places,—

Conveying prisoners.

And for these purposes, and in the performance of all the duties assigned to them by or under the authority of this Act, they shall have all the powers, authority, protection and privileges which any constable now has or shall hereafter by law have.

Powers for such purposes.

20. The Governor in Council may, from time to time, make rules and regulations for any of the following purposes, viz :— To regulate the number of the Force, not exceeding in the whole the number of three hundred men as hereinbefore provided ; to prescribe the number of men who shall be mounted on horseback ; to regulate and prescribe the clothing, arms, training and discipline of the Police Force ; to regulate and prescribe the duties and authorities of the Commissioner and Superintendents of the Force, and the several places at or near which the same, or the Force or any portions thereof may from time to time be stationed ; and generally all and every such matters and things for the good government, discipline and guidance of the Force as are not inconsistent with this Act : and such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offenders, for any contravention thereof, and may direct that such penalty when incurred may be deducted from the offender's pay : they may determine what officer shall have power to declare such penalty incurred, and to impose the same ; and they shall have force as if enacted by law.

Governor in Council may make regulations, and for what purpose.**Penalties.**

21. All pecuniary penalties so imposed shall form a fund to be managed by the Commissioner with the approval of the Governor in Council ; and be applicable to the payment of such rewards for good conduct or meritorious services as may be established by the Commissioner.

Application of pecuniary penalties.

Suspending officers or members.

22. Any member of the Force may be suspended from his charge or dismissed by the Commissioner or by any Superintendent to whom the Commissioner shall have delegated the power to do so ; and any Superintendent may be suspended from office by the Commissioner until the pleasure of the Governor in Council shall be known ; and every such suspension or dismissal shall take effect from the time it shall be made known either orally or in writing to the party suspended or dismissed.

Delivery of arms, &c., by party suspended.

23. Any Superintendent or any member of the Force suspended or dismissed shall forthwith deliver up to the Commissioner or to a Superintendent or to any constable authorized to receive the same, his clothing, arms, accoutrements and all property of the Crown in his possession as a member of the Force or used for police purposes ; or in case of his refusing or neglecting so to do, shall incur a penalty of fifty dollars.

Inquiries respecting conduct of members.

24. Whenever the Commissioner shall deem it advisable to make or cause to be made any special enquiry into the conduct of any Superintendent or of any member of the Police Force, or into any complaint against any of them, he, or the Superintendent whom he may appoint for that purpose, may examine any person on oath or affirmation on any matters relative to such enquiry, and may administer such oath or affirmation.

Penalty for buying or selling accoutrements, &c., without authority.

25. If any person shall unlawfully dispose of, receive, buy or sell or have in his possession without lawful cause, or shall refuse to deliver up when thereunto lawfully required, any horse, vehicle, harness, arms, accoutrements, clothing or other thing used for police purposes, such person shall thereby incur a penalty not exceeding double the value thereof, in the discretion of the Magistrate before whom he is convicted.

Governor in Council to fix remuneration, within certain rates.

26. It shall be lawful for the Governor in Council, from time to time, to fix the sums to be annually paid to the Commissioner, Superintendents and other Officers of the said Force, regard being had to the number of Constables and Sub-Constables, from time to time, actually organized and enrolled, and the consequent responsibility attaching to their offices aforesaid, respectively, and to the nature of the duty or service and amount of labor devolved upon them, but such sums shall not be less than or exceed the amounts following, that is to say :—

The rates.	Commissioner of Police, not exceeding.....	\$2,600
	And not less than.....	\$2,000
	Each Superintendent, not exceeding.....	1,400
	And not less than.....	1,000
	Paymaster, not exceeding.....	900
	Quarter Master, not exceeding.....	500
	Paymaster, if acting also as Quarter Master.....	1,400
	Surgeon, not exceeding.....	1,400
	And not less than.....	1,000
	Veterinary Surgeon, not exceeding.....	600
	And not less than.....	400
		And

And each Constable shall be paid not exceeding the sum of one dollar per day; and each Sub-Constable shall be paid not exceeding the sum of seventy-five cents per day.

27. The Governor in Council may in lieu of the appointment of a Surgeon or of a Veterinary Surgeon, authorize arrangements to be made with any person or Veterinary Surgeon to perform the duties of Surgeon or Veterinary Surgeon for the said Force as to any portions or detachments thereof, and may pay reasonable and proper remuneration for any services so rendered. Surgeon or Veterinary Surgeon.

28. The Governor in Council may also from time to time regulate and prescribe the amounts to be paid, for the purchase of horses, vehicles, harness, saddlery, clothing, arms and accoutrements, or articles necessary for the said Force: and also the expenses of travelling, and of rations or of boarding or billeting the force and of forage for the horses. Purchase of horses, arms, &c.

29. The Governor in Council may make regulations for the quartering, billeting and cantoning of the Force, or any portions or detachments thereof; and for the furnishing of boats, carriages, vehicles of transport, horses and other conveyances for their transport and use, and for giving adequate compensation therefor; and may, by such regulations, impose fines not exceeding two hundred dollars for breach of any regulation aforesaid, or for refusing to billet any of the said Force, or to furnish transport as herein mentioned. But no such regulations shall authorize the quartering or billeting of any of the Force in any nunnery or convent of any Religious Order of females. Regulations for quartering the Force.
Fines.
Proviso.

30. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund of Canada. Payment of moneys.

31. A separate account shall be kept of all moneys expended under this Act, and a detailed statement thereof shall be laid before Parliament at each session thereof. Accounts.

32. All regulations or Orders in Council made under this Act shall be published in the *Canada Gazette*, and shall, thereupon have the force of law from the date of their publication, or from such later date as may be therein appointed for their coming into force; and a copy of any such regulations purporting to be printed by the Queen's Printer shall be *prima facie* evidence thereof. Orders in Council or regulations, force of, &c.

33. The Department of Justice shall have the control and management of the Police Force and of all matters connected therewith; but the Governor in Council may, at any time order that the same shall be transferred to any other Department of the Civil Service of Canada, and the same shall accordingly, by such order, be so transferred to and be under the control and management of such other Department. What department shall have the control of the Force.

Powers of the
Force in
Manitoba.

34. The Commissioner and every Superintendent of Police, shall be *ex-officio* a Justice of the Peace, within the Province of Manitoba; and the constables and sub-constables of the Police Force shall also have and exercise within the Province of Manitoba, all the powers and authority, rights and privileges by law appertaining to constables under the laws of the Dominion, for the purpose of carrying the same into effect.

Arrangements
by Manitoba
Government
for use of the
Force.

35. The Governor in Council may from time to time enter into arrangements with the Government of the Province of Manitoba for the use or employment of the Police Force, in aiding the administration of justice in that Province and in carrying into effect the laws of the Legislature thereof; and may, in any such arrangement, agree and determine the amount of money which shall be paid by the Province of Manitoba in respect of any such services of the said Police Force.

CHAP. 36,

An Act respecting Aliens and Naturalization in the Provinces of British Columbia and Manitoba.

[Assented to 23rd May, 1873.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Acts of Canada
31 V., c. 66
and 34 V.,
c. 22, extend-
ed and applied
to British
Columbia.

1. The Acts of the Parliament of Canada hereinafter mentioned, that is to say, the Act passed in the thirty-first year of Her Majesty's reign, and intituled "*An Act respecting Aliens and Naturalization*," and the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled "*An Act to amend the Act 31st Victoria, Chapter 66, respecting Aliens and Naturalization*," shall, from and after the passing of this Act, be and are hereby extended and shall apply to and be in force in the Province of British Columbia, subject to the provisions hereinafter made, and shall thereafter be read and construed as if the Province of British Columbia were therein expressly mentioned or referred to whenever the other Provinces then forming the Dominion of Canada, or Canada generally, are or is therein mentioned or referred to.

Substitution
of names of
courts, in
applying the
said Acts.

2. In applying the provisions of the said Acts to the Province of British Columbia, whenever the Court of Quarter or General Sessions of the Peace, the Recorder's Court, or the Circuit Court, is mentioned therein, the Court of like name or jurisdiction in British Columbia or the County Court shall be understood to be substituted; and whenever the Supreme Court of any Province is mentioned therein the Supreme Court of British Columbia shall be understood to be substituted; and the Clerk or chief officer
of

of the substituted Court shall be understood to be intended whenever the Clerk of the Court for which it is substituted is mentioned.

3. The Act or law now in force in the Province of British Columbia intituled "*An Ordinance to assimilate the law regarding Aliens in all parts of the Colony of British Columbia*," shall remain in force until the first day of July, which will be in the year of our Lord one thousand eight hundred and seventy-four; and every person naturalized under its provisions before the said day, whether before or after the passing of this Act shall be or become entitled, within any part of Canada, to the privileges of British birth conferred on persons naturalized under the Acts mentioned in the preceding sections of this Act; but, except as to such persons and the rights and privileges then acquired by them, which shall remain in force, the said Act or law shall, upon and after the said day be repealed, with the exception of the tenth and eleventh sections thereof.

"The Aliens Ordinance 1867" of British Columbia, continued for one year.

4. In applying the Acts mentioned in the first section of this Act, to the Province of Manitoba, to which they have been extended by an Act of the Parliament of Canada, the said Province shall be understood to be included, whenever the other Provinces then forming the Dominion of Canada, or Canada generally, are or is mentioned, and, whenever the Supreme Court, or the Court of Quarter or General Sessions of the Peace or the Recorder's Court, or the Circuit Court is mentioned, the Court of Queen's Bench of the said Province of Manitoba, and the County Court or the Court of Quarter or General Sessions of the Peace, or the Court of like name or jurisdiction for the place therein, in which the alien resides, shall be understood to be substituted; and the Clerk or chief officer of the substituted Court shall be understood to be intended whenever the Clerk of the Court for which it is substituted is mentioned.

Application of 31 V. c. 66 and 34 V. c. 22 to Manitoba.

CHAP. 37.

An Act to authorize Free Grants of land to certain Original Settlers and their descendants, in the territory now forming the Province of Manitoba.

[Assented to 3rd May, 1873.]

WHEREAS by the Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the government of the Province of Manitoba*," provision is made for setting apart one million four hundred thousand acres of land in the said Province for the benefit of the families of the half-breed

Preamble.

33 V. c. 3.

half-breed residents therein, at the time of its transfer to Canada, the said extent of land being equal to about one hundred and forty acres for each such person; and whereas there are in the said Province, certain persons being original settlers, who came into the Red River country under the auspices of Lord Selkirk, between the years one thousand eight hundred and thirteen and one thousand eight hundred and thirty-five, or children of such original settlers, who are not half-breeds and cannot therefore claim any part in the lands set apart under the Act above cited, although they are fairly entitled to consideration: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Free grants may be made to certain settlers or their children, not being half-breeds.

Limitation.

1. Under regulations to be, from time to time, made by the Governor in Council, the Lieutenant Governor of Manitoba shall select from the ungranted lands of the Crown such lots or tracts in such parts of the Province as he may deem expedient, not exceeding in the whole forty-nine thousand acres, for the purpose of making free grants thereof to persons now resident in the Province, being original white settlers who came into the Red River country under the auspices of Lord Selkirk, between the years one thousand eight hundred and thirteen and one thousand eight hundred and thirty-five, both inclusive, or the children, not being half-breeds, of such original settlers; and such grants may be made in such mode and on the same conditions as to settlement or otherwise, as regulate the grants to the half-breeds under the Act above cited; but no such grant to any one person shall exceed one hundred and forty acres.

CHAP. 38.

An Act to remove doubts as to the construction of section 31 of the Act 33 Victoria, chapter 3, and to amend section 108 of the Dominion Lands Act.

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS doubts have arisen as to the children intended by the thirty-first section of the Act passed in the thirty-third year of Her Majesty's reign, chapter three, and it is expedient to remove such doubts: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 31 of 33 V., c. 3, explained.

1. The children meant and intended by the said thirty-first section of the said Act shall be held to include all those of mixed blood, partly white and partly Indian, and who are not heads of families.

2. Such proceedings only under the Orders in Council mentioned and referred to in section one hundred and eight of the Act thirty-five Victoria, chapter twenty-three, as are sanctioned by the provisions of the said section thirty-one of the Act thirty-three Victoria, chapter three as explained by this Act, shall be held and deemed to have been properly taken and to have been confirmed by the said section one hundred and eight of the said Act thirty-five Victoria, chapter twenty-three; and the said respective orders (except such of the provisions thereof as may be inconsistent with the provisions of the said section thirty-one of the said Act thirty-three Victoria, chapter three, as explained by this Act, or of the said Act thirty-five Victoria, chapter twenty-three, and which are hereby revoked) shall be and remain in force, subject to the provisions of the following section of this Act,—the said section one hundred and eight of the said Act thirty-five Victoria, chapter twenty-three, being hereby amended to that effect.

Section 108 of 35 Vict., c. 23, amended.

3. In amendment of so much of the said Order in Council of the twenty-fifth day of April, one thousand eight hundred and seventy-one, as provides that the Lieutenant-Governor of Manitoba shall draw and initial tickets for the allotment of lands, it is hereby enacted that such drawing and initialing may be done by any person appointed by the Lieutenant-Governor for that purpose; and the Lieutenant-Governor is hereby authorized from time to time to appoint a person to draw and initial such tickets.

Order in Council amended as to drawing tickets.

CHAP. 39.

An Act to make further provision as to Duties of Customs in Manitoba and the North West Territories.

[Assented to 23rd May, 1873.]

WHEREAS by section twenty-seven of the Act passed in the thirty-third year of Her Majesty's Reign intituled: "*An Act to amend and continue the Act 32 and 33 Victoria, chapter 3, and to establish and provide for the Government of the Province of Manitoba,*" it was provided that the Customs Duties then by law chargeable in Rupert's Land, should be continued without increase for the period of three years from the passing of that Act,—which period will expire on the twelfth day of May in the present year one thousand eight hundred and seventy-three; and by the fifth section of the Act passed in the thirty-fourth year of Her Majesty's Reign, intituled "*An Act to amend the Acts relating to duties of Customs,*" the same Duties of Customs which, under the said twenty-seventh section of the Act first cited, are chargeable in the Province of Manitoba, are chargeable

Preamble. 33 V., c. 3.

34 V., c. 10.

chargeable on goods imported into any part of the North West Territories; and it is expedient to prolong the term during which the said duties shall be continued without increase, subject to certain exceptions and provisions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Present duties continued till 12 May, 1874.

1 The Duties of Customs chargeable by law in Rupert's Land at the time of the passing of the Act first above cited, shall be continued without increase in the Province of Manitoba and the North West Territories, until the twelfth day of May of the year one thousand eight hundred and seventy-four, subject to the following exceptions and provisions:

Exception as to Manitoba.

1. Upon, from and after the twelfth day of May in the present year one thousand eight hundred and seventy-three the said Duties of Customs shall be chargeable on all spirits and strong waters, ale, beer, porter, and all vinous, spirituous and fermented liquors imported into the Province of Manitoba or taken out of bond for consumption therein, as are chargeable on the like articles imported into any other Province of Canada:

Importation of spirits into N. W. territories prohibited.

2. Spirits or strong waters, or spirituous liquors of any kind are hereby prohibited to be imported into any part of the North West Territories, under the like penalty and forfeiture as are provided by the Customs laws of Canada, with respect to articles the importation whereof is prohibited; nor shall any such spirits or strong waters or spirituous liquors of any kind be manufactured or made in the said North West Territories, or brought into the same from any Province of Canada, except by special permission of the Lieutenant Governor of the said Territories; and if any such spirits or strong waters or spirituous liquors are imported or manufactured in the said Territories or brought into the same, in contravention of this Act, they may be seized by an officer of the Customs or Excise or by any constable wheresoever found; and on complaint before any Judge, Stipendiary Magistrate or Justice of the Peace, he may on the evidence of any credible witness that this Act has been contravened in respect thereof, declare them to be forfeited, and cause them to be forthwith destroyed: and the person in whose possession they were found may be condemned to pay a penalty not exceeding one hundred dollars nor less than fifty dollars, and the costs of prosecution; and one-half of such penalty shall belong to the prosecutor, and the other half to Her Majesty for the public uses of the Dominion; and in default of immediate payment the offender shall be committed to the nearest gaol or place of confinement for any time not exceeding six months unless such fine and costs are sooner paid. No prosecution, conviction or commitment under this act shall be invalid on account of want of form so long as the same is according to the true meaning of this Act.

Forfeiture and penalty for contravention.

Provision for enforcing penalty.

Conviction, &c., not invalid for want of form.

CHAP. 40.

An Act respecting the admission of the Colony of Prince Edward Island as a Province of the Dominion.

[Assented to 23rd May, 1873]

WHEREAS it is probable that Her Majesty the Queen may, in Preamble. pursuance of the provisions of "*The British North America Act, 1867*," be pleased to admit the Colony of Prince Edward Island into the union or Dominion of Canada, before the next session of the Parliament of Canada, and it is therefore expedient to make certain provisions which shall take effect in the event of such admission: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. On, from and after the day on which the said Colony of Prince Edward Island shall be admitted to the Union or Dominion of Canada, as a Province thereof, by Her Majesty the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, under the provisions of the one hundred and forty-sixth section of "*The British North America Act, 1867*," all the Acts of the Parliament of Canada, passed in the present or any former session thereof, and relating to the following subjects or any of them, that is to say:—

Certain Acts of Canada to be in force in the Island when admitted.

1. The Executive Government and the several Departments thereof; Such Acts defined.

2. The Civil Service of the Dominion;

3. The legislature and legislation;

4. The Senate and House of Commons, including the proceedings therein, and the vacating of the seats of Members of the House of Commons and the filling of vacancies;

5. The Public Works of the Dominion;

6. The Postal service, including the penal clauses of the Acts relating thereto;

7. The extradition of fugitive criminals from foreign countries;

8. The navigation of Canadian waters;

9. Light houses, buoys and beacons;

10. The Customs and Excise, including the tariff of duties,—

Shall,—insofar as they are not inconsistent with the provisions of the said "*British North America Act, 1867*," or with those of the Order of Application of such Acts.

of Her Majesty in Council admitting the said Colony into the Union or Dominion, and in so far as the said Acts respectively apply to the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, generally, and not only one or more of them in particular,—apply to and be in force in the said Colony or Province of Prince Edward Island, as if it had formed part of Canada, when the said Acts were respectively passed,—subject always to the provision hereinafter made.

Governor in Council may modify certain provisions.

2. The Governor in Council may from time to time suspend, relax or modify as respects Prince Edward Island any of the provisions or requirements of the said Acts respecting the Customs or Excise, (except such as fix the duties payable under them,) which he may deem it impracticable or inconvenient to enforce in the said Island.

As to dutiable articles brought into other Provinces from the Island,

Difference of duty to be paid.

3. If, after the admission of Prince Edward Island into the Dominion, there be brought from it into any other Province of Canada, any article of commerce not being the produce of the Island or of Canada, and liable to any duty of Customs when imported into Canada from any foreign country, or any such article produced in the Island, and liable to a duty of Excise if produced in Canada for consumption therein, then if such Canadian duty of Customs or Excise be greater than the duty of Customs or Excise paid on such article in the Island, the difference between the Canadian duty and the duty paid in the Island, shall be payable on such article when brought from the said Island into any other Province of Canada; and such difference shall be collected under such regulations as the Governor in Council may, from time to time, make in that behalf: and any such difference of duty payable under this section shall be a duty of Customs within the meaning of the Acts respecting the Customs hereby extended to the said Island,—all the provisions whereof, (including those respecting warehousing) and the penalties for contravention of such provisions, shall apply to such difference of duty.

Duration of ss. 2 and 3 limited.

4. The two next preceding sections shall be in force until the end of the now next session of the Parliament of Canada, and no longer.

Certain orders, &c., may be made before admission.

5. Any Order in Council, regulation, contract, arrangement or appointment for giving effect to this Act, or to Her Majesty's Order in Council for the admission of Prince Edward Island into the Union or Dominion, may be made before such admission, to take effect after the same.

CHAP. 41.

An Act respecting the Export Duties imposed on Lumber
by the Legislature of the Province of New Brunswick.

[Assented to 23rd May, 1873.]

WHEREAS by chapter fifteen, title three, of the Revised Preamble.
Statutes of New Brunswick, amended and made permanent by later Acts of the Legislature of that Province, certain duties of export on lumber shipped therefrom are imposed, the proceeds whereof belong to the said Province, and by section one hundred and twenty-four of "*The British North America Act, 1867*," it is provided that nothing in that Act shall affect the right of New Brunswick to levy the lumber dues imposed by the said Provincial Act or any Act amending it, before or after the Union; B.N.A. Act.

And whereas, by article XXX of the Treaty of Washington, it is agreed that for the term of years mentioned in article XXXIII, Her Majesty's subjects may carry, in British vessels, without payment of duty,—goods, wares and merchandise from one port or place within the territory of the United States, upon the St. Lawrence, the great lakes and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid, provided that a portion of such transportation is made through the Dominion of Canada by land carriage, and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States; and, by Article XXXI of the said Treaty, it is declared that Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada, and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the River St. John, and its tributaries and floated down that river to the sea, when the same is shipped to the United States from the Province of New Brunswick; and that in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of the said treaty, it is agreed that the Government of the United States may suspend the right of carrying therein before granted under Article XXX of the said Treaty, for such period as such export or other duty may be levied; Treaty of Washington cited.

And whereas, the privilege granted by Article XXX of the said Treaty will be of advantage to Her Majesty's subjects in Canada, and tend to facilitate the commerce of the Dominion with the United States, and it is therefore desirable that such arrangements should be made with the Province of New Brunswick respecting the said export duty on lumber as will prevent suspension of the said privilege, and with that view to offer the said Province such fair indemnity as will compensate the

present and prospective loss it would sustain by the total repeal of the said export duty and the abandonment of the right to impose any such duty in future,—inasmuch as it would be difficult to abolish the said duty on lumber cut on American territory only, without incurring great loss and expense and the risk of possible misunderstanding with citizens and authorities of the United States:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Additional
subsidy if
N. B. repeals
duty and
abandons
right to
impose it.

1. If the Legislature of the Province of New Brunswick shall pass an Act providing for the repeal of all duties of export on lumber exported from the said Province, and renouncing and abandoning all right of imposing any such duty thereafter, to the satisfaction of the Governor General, then from the time the repeal shall take place, there shall be paid to the said Province out of the Consolidated Revenue Fund of Canada, and in addition to any subsidy to which the said Province may be then entitled, a subsidy at the rate of one hundred and fifty thousand dollars annually, as indemnity for the loss of such duties and the right to impose the same.

CHAP. 42.

An Act to continue for a limited time “The Insolvent Act of 1869,” and the Acts amending the same.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is expedient to continue for a limited time, hereinafter mentioned, “*The Insolvent Act of 1869*,” and all Acts amending the same, which would otherwise expire on the first day of September now next: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Act 32 and 33
V., c. 16, con-
tinued to end
of Session of
1874.

1. The Act passed by the Parliament of Canada, in the thirty-second and thirty-third years of Her Majesty's reign, chapter sixteen, and intituled “*An Act respecting Insolvency*,” and all Acts heretofore passed in amendment thereof, shall be and hereby continued and shall remain in force until the first day of January, one thousand eight hundred and seventy-four, and from thence until the end of the then next ensuing session of Parliament and no longer; and the said Acts shall have effect as if originally passed to continue in force until the period to which they are hereby continued.

Proviso, as to
Acts of the
present session.

2. Nothing herein contained shall prevent the effect of any Act passed during the present session, repealing, amending, rendering permanent

permanent or continuing to any further period than that herein appointed, the Acts hereinbefore mentioned and continued; or shall continue any provision or part of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present session or in any previous session.

3. The provisions of the "*Act respecting Insolvency*" applied by schedule A, No. 16, of the Act thirty-fourth Victoria, chapter thirteen, to insolvents resident in the Province of Manitoba shall continue to apply to such Insolvents until the said first day of January, one thousand eight hundred and seventy-four, and from thence until the end of the then next ensuing session of Parliament and no longer—in the case of composition and discharge mentioned in section ninety-four to one hundred and eight, both inclusive, in which "the Court" shall mean the Court of Queen's Bench of Manitoba, and "the Judge" shall mean the Chief Justice or one of the Puisné Judges of that Court.

As to the provisions of the said Act applying to Manitoba.

CHAP. 43.

An Act further to amend the Act relating to Banks and Banking.

[Assented to 23rd May, 1873.]

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled : "*An Act relating to Banks and Banking*:" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Instead of the form given in the thirteenth section of the said Act as that in which the monthly returns to be made to the Government by any bank to which the said Act applies are to be made up, the following form shall be substituted for all such returns to be made on or after the first day of July in the present year, one thousand eight hundred and seventy-three ; and all the provisions of the said section and Act shall apply accordingly :—

RETURN of the amount of Liabilities and Assets of the **New form.**
Bank, on the **day of** **A. D. 18**

CAPITAL AUTHORIZED, \$. CAPITAL SUBSCRIBED, \$

CAPITAL PAID UP, \$

LIABILITIES.

\$ cts.

1. Notes in circulation.....
2. Dominion Government deposits, payable on demand.....

3.

3. Dominion Government deposits, payable after notice or on a fixed day.....
4. Provincial Government deposits, payable on demand.....
5. Provincial Government deposits, payable after notice or on a fixed day.....
6. Other deposits, payable on demand.....
7. Other deposits, payable after notice or on a fixed day.....
8. Due to other Banks in Canada.....
9. Due to Agencies of the Bank or to other Banks or Agencies in foreign countries.....
10. Due to Agencies of the Bank or to the Bank itself, when its Head office is in the United Kingdom or to other Banks or Agencies in the United Kingdom.....
11. Liabilities not included under the foregoing heads.

ASSETS.

§

1. Specie.....
2. Dominion notes.....
3. Notes of and cheques on other Banks.....
4. Balances due from other Banks in Canada.....
5. Balances due from Agencies of the Bank, or from other Banks or Agencies, in foreign countries...
6. Balances due from Agencies of the Bank, or from other Banks or Agencies, in the United Kingdom
7. Government debentures or stock
8. Loans to the Government of the Dominion.....
9. Loans to Provincial Governments.....
10. Loans, discounts, or advances, for which shares of the capital stock of any other Bank are held as collateral security
11. Loans, discounts, or advances, for which the bonds or debentures of municipal or other corporations, or Dominion, Provincial, British or Foreign public securities are held as collateral securities
12. Loans, discounts, or advances, on current account to corporations.....
13. Notes and bills discounted and current
14. Notes and bills discounted, overdue and not specially secured
15. Overdue debts, secured by mortgage or other deed on real estate, or by deposit of or lien on stock, or by other securities
16. Real estate, the property of the Bank (other than the Bank Premises), and mortgages on real estate sold by the Bank
17. Bank premises.....
18. Other Assets, not included under the foregoing heads.....

We declare that the foregoing return is made up from the books of the bank, and that it is correct to the best of our knowledge and belief; and we further declare that the bank has never at any time, during the period to which the said return relates, held less than one-third of its cash reserves in Dominion notes.

(Place) this day of 18 .

A. B., *President, &c.*
C. D., *Cashier, &c.*

CHAP. 44.

An Act to amend "The Patent Act of 1872."

[Assented to 23rd May, 1878.]

WHEREAS it is expedient to amend the several sections of *Preamble.*
"The Patent Act of 1872" hereinafter specified: Therefore ^{35 V. O. 28:}
Her Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, enacts as follows:

1. The words "in the *Canada Gazette*" in the fourth line of Section 5
section five of "The Patent Act of 1872," are hereby repealed. ^{amended.}

2. The word "assigns" in the last line of section eight of the Section 8
said Act is hereby repealed, and the words "other legal repre- ^{amended.}
sentatives" substituted in lieu thereof.

3. The following words are hereby inserted after the word "of" Section 11
in the last line but one of section eleven of the said Act:—"a ^{amended.}
court of record or a public notary, or the mayor, or other chief
magistrate of any city, borough, or town corporate in."

4. The following words are hereby added and inserted at the Section 14
end of section fourteen of the said Act:—"But the said Commis- ^{amended.}
sioner may in his discretion dispense with the said duplicate spe-
cification and drawing, and in lieu thereof cause copies of the
specification and drawing, in print or otherwise, to be attached to
the Patent, of which they shall form an essential part."

5. The said Act shall be amended by inserting the words "legal Section 16
representatives" after the word "administrators" in the sixteenth ^{amended.}
section thereof."

6. This Act shall be read and interpreted as forming one and To form one
the same Act with the Act hereby amended. <sup>Act with
amended
Act.</sup>

CHAP. 45.

An Act to amend the Act respecting the construction of the Intercolonial Railway.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is expedient to amend the Act passed in the thirty-first year of Her Majesty's reign, chapter thirteen, intituled: "*An Act respecting the construction of the Intercolonial Railway*;" and to provide for a change and alteration of the gauge of the said Intercolonial Railway, and other Government Railways in New Brunswick and Nova Scotia: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor in Council may authorize change of gauge.

1. It shall be lawful for the Governor in Council to authorize and permit that the gauge of the said Intercolonial Railway and other Government Railways in New Brunswick and Nova Scotia, or any part or portion of the same, be changed and altered from five feet six inches, and be made four feet eight and a half inches.

Or allow a third rail.

2. It shall also be lawful for the Governor in Council to authorize and permit that a third rail be laid on the said Intercolonial Railway or on any of the other Government Railways in New Brunswick or Nova Scotia, or on any part or portion of any or all of the said railways.

Construing Act.

3. This Act shall be construed as forming part of the above recited Act.

CHAP. 46.

An Act to amend "An Act respecting the Militia and Defence of the Dominion of Canada."

[Assented to 3rd May, 1873.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New provision substituted for part of s. 27. of 31 V, c. 40.

1. The twenty-seventh section of the Act passed in the thirty-third year of Her Majesty's reign, intituled "*An Act respecting the Militia and Defence of the Dominion of Canada*," is hereby amended by substituting the following to the first portion of the said section down to and including the words **military commanding officer only**, viz.:—

" 27.

"27. The Active Militia, or any corps thereof, shall be liable to be called out for active service with their arms and ammunition, in aid of the civil power in any case in which a riot, disturbance of the peace or other emergency requiring such service occurs, or is, in the opinion of the civil authorities hereinafter mentioned, anticipated as likely to occur, and, (in either case) to be beyond the powers of the civil authorities to suppress, or to prevent or deal with, whether such riot, disturbance or other emergency occurs, or is so anticipated within or without the municipality in which such corps is raised or organized: and it shall be the duty of the Senior Officer of the Active Militia present at any locality to call out the same or any portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, or for the purpose of meeting and dealing with any such emergency as aforesaid, when thereunto required in writing by the Chairman or Custos of the Quarter Sessions of the Peace, or by any three magistrates, of whom the Warden, Mayor or other head of the municipality or county in which such riot, disturbance or other emergency occurs, or is anticipated as aforesaid, may be one; and to obey such instructions as may be lawfully given him by any magistrate in regard to the suppression of any such actual riot or disturbance, or in regard to the anticipation of such riot, disturbance or other emergency, or to the suppression of the same, or to the aid to be given to the civil power in case of any such riot, disturbance or other emergency; and every such requisition in writing as aforesaid shall express on the face thereof, the actual occurrence of a riot, disturbance, or emergency, or the anticipation thereof, requiring such service of the Active Militia in aid of the civil power for the suppression thereof: and every Officer, non-commissioned officer and man of such Active Militia or any portion thereof, shall on every such occasion, obey the orders of his Commanding Officer: and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be considered to act as such so long as they remain so called out; but they shall act only as a military body, and shall be individually liable to obey the orders of their Military Commanding Officer only."

By whom and on what occasions the Active Militia may be called out.

Requisition must be in writing.

They must obey their Commanding Officer.

Officers and men to be special constables; but to obey their Military Commanding Officer only.

2. The seventy-second section of the Act hereinbefore mentioned, made and passed in the thirty-first year of Her Majesty's reign, is hereby repealed, and the following section is substituted therefor as the seventy-second section of the said Act:—

New section in lieu of s. 72, of 31 Vict. C. 40.

"72. Her Majesty may convene Courts of Enquiry and appoint officers of the Militia to constitute such Courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia, and with the conduct of any Officer, non-commissioned officer or private of the force; and shall have power at any time to convene Militia Courts Martial, and to delegate power to convene such Courts, and to appoint officers to constitute the same, for the purpose of trying any officer, non-commissioned officer or private of the Militia for any offence

Her Majesty may convene Courts of Enquiry and Courts Martial.

Proviso.

offence under this Act, and to delegate also power to approve, confirm, mitigate or remit any sentence of any such Court; but no officer of Her Majesty's regular army on full pay shall sit on any Militia Court Martial.

CHAP. 47.

An Act respecting Weights and Measures.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is expedient to provide for uniformity of weights and measures throughout Canada, and for that purpose to define and establish standard measures of length, weight, and capacity, and to make provision for the inspection of weights and measures in general use, and to legalize the use of the Metric System, by consent of parties: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

WEIGHTS AND MEASURES.

Standard of length.

1. The "Imperial yard" shall be the standard measure of length, wherefrom all other measures of length, whether lineal, superficial or solid, shall be derived, computed and ascertained; and all measures of length shall be taken in parts, multiples or certain proportions of the standard yard.

Measures of length.

2. One-third part of the standard yard shall be a foot; the twelfth part of the foot shall be an inch; the pole or perch in length shall be five standard yards and a half; the furlong two hundred and twenty standard yards, and the mile one thousand seven hundred and sixty standard yards; the chain shall be twenty-two standard yards, and the link shall be the one hundredth part of a chain.

Measures of superficies.

3. The rood of land shall contain one thousand two hundred and ten square yards according to the standard, and the acre of land shall contain one hundred thousand square links, or four thousand eight hundred and forty square yards.

Standard of weight.

2. The "Imperial pound Avoirdupois" shall be the standard measure of weight from which all other weights and measures having reference to weight shall be derived, computed and ascertained; and all weights and measures having reference to weight, shall be taken in parts, multiples or certain proportions of the standard pound Avoirdupois.

2. One sixteenth part of the standard pound Avoirdupois shall be an ounce ; one sixteenth part of an ounce shall be a dram ; the one seven-thousandth part of the said pound shall be a grain ; one hundred standard pounds Avoirdupois shall be a hundred weight ; and two thousand standard pounds Avoirdupois shall be a ton.

Measures of weight.

3. A weight of one hundred standard pounds, Avoirdupois, Cental shall also be and may be called and described as a " Cental."

3. The Troy ounce shall be equal to four hundred and eighty Avoirdupois grains, and shall be the standard measure of weight for gold, silver, platina and precious stones ; and all measures of Troy weight shall be taken in parts, multiples and certain proportions of the Troy ounce.

2. Contracts and bargains made for, and sales of gold, silver, platina and precious stones by the Troy ounce, as ascertained and established by this section, and by any weights, being decimal parts or multiples of such ounce, shall be deemed to be good and valid,

For what purpose to be used.

4. The gallon known as the the " Imperial gallon," containing ten pounds weight of distilled water, weighed in air at a temperature of 62 degrees Fahrenheit, and the barometer standing at thirty inches, shall be the standard measure of capacity to be used for liquids, from which all other measures of capacity in respect of liquids shall be derived, computed and ascertained ; and all such measures shall be taken in parts or multiples or certain proportions of the standard gallon.

Standard of capacity for liquids.

One fourth part of the standard gallon shall be a quart, and one eighth part of the standard gallon shall be a pint.

Parts of a gallon.

5. The bushel measure known as the " Imperial bushel," containing eight Imperial or standard gallons, shall be the standard measure of capacity for commodities sold by dry measure, from which all other measures of capacity in respect of such commodities, shall be derived, computed and ascertained ; and all such measures shall be taken in parts or multiples or certain proportions, of the standard bushel.

Standard of capacity, Dry measure.

1. But until the first day of January, one thousand eight hundred and seventy-four, in contracts for the sale or delivery of any of the articles in this section mentioned, the standard bushel shall be taken and intended to mean the weight of a bushel, as hereinafter mentioned, and not a bushel in measure, or according to any greater or less weight, unless the contrary appears to have been agreed upon by the parties :—

Bushel by weight for certain articles, during a certain time.

Wheat	Sixty pounds.
Indian Corn.....	Fifty-six pounds.
Rye	Fifty-six pounds.
	Peas

Peas	Sixty pounds.
Barley.....	Forty-eight pounds.
Oats	Thirty-four pounds.
Beans.....	Sixty pounds.
Clover Seed.....	Sixty pounds.
Timothy Seed.....	Forty-eight pounds.
Buckwheat.....	Forty-eight pounds.
Flax Seed	Fifty pounds.
Hemp Seed	Forty-four pounds.
Blue Grass Seed.....	Fourteen pounds.
Castor beans.....	Forty pounds.
Potatoes, Turnips, Carrots, Parsnips, Beets and Onions.....	Sixty pounds.
Salt.....	Fifty-six pounds.
Dried Apples.....	Twenty-two pounds.
Dried Peaches.....	Thirty-three pounds.
Malt.....	Thirty-six pounds.

Afterwards by cental. And from and after the first day of January, one thousand eight hundred and seventy-four, all the above mentioned articles, whether bought or sold by weight, shall be specified by the cental and part of a cental.

Proviso as to use of wine gallon, in certain cases, and during a certain time. 2. Provided that for a period of seven years from the passing of this Act, the Wine gallon of 231 cubic inches, and the Winchester bushel of 2150 $\frac{42}{100}$ cubic inches, may be used in any case by special understanding between the parties to any contract or agreement; and during the said period of seven years the ratio or proportion which such measures shall bear to the standard measures, shall be as follows :—twelve Wine gallons shall be equal to ten Imperial or Standard gallons; one Winchester bushel and thirty-one thousandth parts thereof, shall be equal to one Imperial or Standard bushel :

Verification of multiples and sub-multiples. 3. Provided also that the Governor in Council may make such provisions, not inconsistent with this Act, for the inspection and verification of the measures authorized in the foregoing proviso and their multiples and sub-multiples, as may be deemed necessary for the protection of the public.

Multiples and sub-multiples may be named and authorized. 6. The Governor in Council may, from time to time, by an Order published in the *Canada Gazette*, declare any multiples or sub-multiples of any of the weights or measures herein mentioned to be legal weights or measures for any or all purposes whatever, by such names as shall be assigned to them in such Order in Council; and may order the discontinuation of any standards, and the substitution or construction of such others, not inconsistent with this Act, as may be from time to time deemed necessary.

STANDARDS OF WEIGHTS AND MEASURES.

Primary Standards of length and weight to be prepared. 7. The Minister of Inland Revenue shall cause to be prepared three sets of primary standards of length and weight, each set consisting of—

1. A Standard Yard ;
2. A Standard Pound Avoirdupois, and
3. A Standard Ounce Troy ;
4. A Standard Gallon.

And shall cause the same to be duly verified and authenticated in such manner as he shall deem best.

And the Governor, upon being satisfied of the accuracy of the primary standards, may, by Order in Council, declare the same to be the legal and only primary standards of length and weight for Canada, under the name of "The Dominion Standards," and as such the units or standards of weights and measures from which all other weights and measures defined by this Act shall be computed and ascertained ; and from and after the date of such proclamation, all primary standards of weights and measures heretofore established and legalized by the legislature of the late Province of Canada, or by the legislatures of Nova Scotia, New Brunswick and British Columbia, shall be transferred to and remain in the possession of the Department of Inland Revenue.

To be the Dominion Standards.

Present Standards transferred to Inland Revenue Department.

8. One set of Dominion Standards shall be placed in the custody of the Speaker of the Senate, one set in the custody of the Speaker of the House of Commons, and one set in the custody of the Minister of Inland Revenue, under such regulations as to precautions against injury and deterioration as may be determined by order of the Governor in Council.

Custody of Dominion Standards.

9. The Minister of Inland Revenue shall also cause to be prepared two sets of secondary standards of the weights and measures defined and established by this Act, and of the requisite multiples and proportions thereof ; and the Governor in Council, upon the report of the Minister that the same have been duly verified and authenticated by comparison with the Dominion Standards, may declare such secondary standards to be legal secondary standards of length, weight and capacity under the name of "The Departmental Standards."

Secondary Standards.

Verification.

Departmental Standards.

10. The Commissioner of Inland Revenue shall have the custody of the Departmental Standards, and all comparisons, verifications, and other operations with reference to standards of length, weight and capacity, shall be conducted under his supervision ; and generally he shall have such powers and duties in relation thereto, as may be from time to time assigned to him by Order in Council : and in consideration of the special qualifications and knowledge necessary for the proper discharge of such duties, the said Commissioner may be paid, in addition to his salary as Commissioner, such further allowance out of any moneys voted by Parliament for the purposes of this Act, as may be directed by the Governor in Council.

Custody of Standards and verification of others.

Allowance to Commissioner.

Balances, apparatus, &c.

11. The Minister of Inland Revenue shall also procure necessary balances, apparatus and books for use in connection with, or relative to, the Dominion and Departmental Standards.

Proclamation legalizing weights and measures.

12. As soon as the Dominion and Departmental Standards have been received, legalized by the Governor in Council and deposited as above provided, and the necessary apparatus for use in connection therewith has been obtained by the Minister of Inland Revenue, the Governor may, by proclamation, fix and give, giving not less than six months previous notice, upon, from and after which all contracts, bargains, sales or dealings, made or entered into in any part of Canada, for work to be done, or goods, wares, merchandise, or other things to be sold, delivered or agreed to be sold, delivered or agreed to be sold, by weight or measure, where no special agreement is made to the contrary, shall be deemed and taken to be made and had according to the standard weights and measures fixed and defined by this Act.

Proviso as to certain measures of length and superficies of land, in the Province of Quebec.

13. Provided that in the Province of Quebec the measures of length and superficies for all lands comprised in those parts of the Province originally granted under the Seigniorial tenure, shall be French measures, the ratio and proportion of which shall be the same as the standard measures as follows, that is to say :—

French foot.

1. The foot—"French measure" or "Paris foot"—shall be held to contain twelve inches and seventy nine hundredths of an inch, standard measure :

Arpent.

2. The "Arpent," when used as a measure of length, shall contain one hundred and eighty French feet ; and when used as a measure of superficies, shall contain thirty-two thousand four hundred square French feet ; and the perch, as a measure of length, shall contain eighteen French feet, and as a measure of superficies shall contain one hundred and twenty-four square French feet :

Perch.

To apply to land only.

3. Provided that the provisions of this section shall apply to territorial measurement ; and the French measures "Toise" and "Ell," (*Aune*), shall not be used hereafter as standard measures ; but the linear and cubic yard, being multiples of the standard foot as described in subsection two of the first section of this Act, shall be used instead thereof.

Duties of revenue, &c., to be collected according to standard measures after a day to be fixed.

14. Upon, from and after the day fixed by proclamation, that upon which the weights and measures fixed and defined by this Act are directed to be used, the several duties of Customs, Excise, and other Her Majesty's revenues shall be payable, collected and taken in accordance therewith : And such duties of Customs and Excise as are now charged and collected by the wine gallon shall thereafter be charged and collected by the Imperial Standard gallon in proportion to the greater capacity of the Imperial Standard gallon : that is to say, the duties shall be charged and collected in the proportion of six cents on the Imperial gallon for five cents now charged and collected on the wine gallon.

orders in Council and proclamations or regulations, shall be published in the *Canada Gazette*, and be laid before both Houses of Parliament at their then next Session: and any copy of the *Gazette* containing the same shall be *prima facie* evidence, and that they are in force under this Act.

INSPECTORS.

Governor may, from time to time, appoint one or more Weights and Measures for each Province, and may from time to time assign them inspection districts; and their duties shall be as defined by this Act, and by the regulations made under it, and by instructions from the Minister in charge of the revenue.

Inspector, on appointment, shall take an oath for the discharge of his duties; and shall give bonds in a sum to be determined by Order in Council, for the safe custody and preservation of standard weights and measures, and other apparatus entrusted to him, and for their delivery over to his successor, in case of his resignation or removal from office.

Inspector shall have the same powers in each inspection district as are given to the Deputy Inspectors, and shall be included when the Deputy Inspector is mentioned, unless such inclusion be inconsistent with the context.

Inspector shall be furnished by the Minister of Inland Revenue with a set of standards to be called "The Official Standards," carefully verified and authenticated by comparison with the Official Standards in the custody of the Commissioner of Inland Revenue, and with such apparatus as may be necessary to enable him to perform his duties under this Act.

"Official Standards" and other apparatus shall be entrusted to the Inspector into whose custody they are given, solely for the purpose of comparing and verifying the copies of the same to be made by Deputy Inspectors hereinafter mentioned, unless otherwise directed by Order in Council or by instructions from the Minister of Inland Revenue.

Inspector shall, within the limits of the inspection districts assigned to him, have the supervision of the Deputy Inspectors appointed therein.

Inspector shall see that each Deputy Inspector is furnished with the standards and other apparatus necessary for the faithful discharge of his duties.

Inspector shall carefully compare such standards with the Official Standards, and shall certify to the correctness of the same.

same by a suitable mark or stamp, or certificate, as may be directed by Order in Council.

3. He shall hear and determine any dispute that may arise between any Deputy Inspector and any other person in relation to any duties of inspection performed by such Deputy Inspector.

4. And generally shall have such other duties and powers as may be assigned to him by Order in Council for the more effectual enforcement of the provisions of this Act.

DEPUTY INSPECTORS.

District Inspection Divisions and Deputy Inspectors.

20. The Governor may, from time to time, appoint in each inspection district such number of Deputy Inspectors, and from time to time, assign to them such inspection divisions as he may deem expedient.

Oath of office.

21. Each Deputy Inspector on appointment shall take an oath for the faithful and impartial discharge of the duties assigned to him, and shall be furnished by the Inspector of his district with the necessary Inspection Standards, being copies duly authenticated by the Inspector, of the Official Standards and other apparatus in his possession. He shall give bonds to an amount to be determined by Order in Council for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or removal from office; and shall render the due accounting for all moneys received by him in the execution of this Act.

Inspection Standards.

Security.

Periodical verification of Inspection Standards.

2. Once in every two years at the least, and whenever required to do by the Inspector, each Deputy Inspector shall present to the Inspector of his District for the purpose of ascertaining and establishing their accuracy by comparison with the Official Standards, and shall obtain from the Inspector a certificate of their accuracy.

Duties.

22. The Deputy Inspector shall perform such duties incident to the verification of weights and measures, and of beams, scales, yards and other weighing machines, comparing and trying the same with the standard weights and measures, and other apparatus in his possession as may be assigned to him by Departmental Regulations.

Verification of weights and measures, scales, &c.

2. He shall at all proper times carefully examine and compare weights and measures and all beams, scales or other weighing machines of any kind presented to him within his division; and if found correct and just he shall mark, stamp or brand the same in such manner as may, from time to time, be directed by the Minister of Inland Revenue, who shall furnish such stamps, brands and implements, as he may think proper for that purpose.

23. Each Deputy Inspector shall, upon such day or days and at such place or places within his district as may be from time to time appointed by the Inspector of his District, in pursuance of such Departmental regulations as may be made in that behalf—and of which day or days, place or places, public notice shall be given in the manner to be provided by such regulations—attend with his Inspection Standards and other apparatus, for the purpose of inspecting all weights, measures and weighing-machines, and shall then and there inspect and verify, and, if found correct shall stamp and certify all weights and measures, scales and other weighing machines brought to him for inspection.

Attendance
for verification.

24. The Deputy Inspector may, at all reasonable times, enter any shop, store, warehouse, stall, yard or place whatsoever within his division, where any commodity is bought, sold, exposed or kept for sale, or charged for carriage or conveyance by weight or measure, and there examine all weights, measures, beams, scales, steel-yards or other weighing machines, and compare and try the same with the Inspection Standards of weights and measures in his possession; and it shall be his duty to do so, from time to time, and without previous notice, so as best to ensure compliance with the provisions of this Act, and the discovery and punishment of any infractions thereof; and it shall be his duty to attend at any reasonable time and place, and when not otherwise engaged in the performance of his duties, for the purpose of inspecting and verifying any fixed and non-portable weighing-machine in his division; and he may also, at any time when not so engaged as aforesaid, inspect, verify, stamp and certify any weights, measures or weighing machines, at the request of the owner thereof, and at any place in his division.

Right of
entry for examination.

25. The Deputy Inspector shall keep a book in which he shall enter minutes of all verifications made by him; and at the time of every inspection he shall deliver to the owner of any weights or measures, or weighing machines verified, or to the person procuring the verification, a certificate under his hand, setting forth the fact and date of such verification, and enumerating the weights, measures, or weighing machines inspected.

Minute
Books and
certificates.

26. Within two months after the expiration of one year from the first verification and stamping, and of each period of one year after each subsequent verification, every weight, measure and weighing-machine shall be again inspected and verified, and a new certificate of such inspection and verification obtained from the proper Deputy Inspector, and the production of the certificate shall be *prima facie* evidence of the verification and stamping or re-verification having taken place within the period prescribed by law.

Yearly re-
verification.

PENALTIES.

27. Every trader, manufacturer, carrier, public weigher, gauger, measurer, surveyor or other person, who, after the expiration of the

Penalties for
using uncerti-

fixed weights or measures.

the time appointed under this Act for the first inspection in the inspection division in which he carries on his business, offers for sale or uses, for any purpose of buying, selling or charging for the carriage of any goods, wares, merchandize or thing, or of measuring any work, land, goods, materials or other thing, for the purpose of charging for or ascertaining the price to be paid or the charge to be made therefor, any weight or measure, or weighing-machine which has not been duly inspected and stamped according to this Act, or which may be found light, deficient or otherwise unjust, shall be guilty of an offence against this Act; and shall, on conviction, incur a penalty of not more than fifty or less than five dollars for each such offence: and every such unstamped, light, deficient or unjust weight, weighing-machine, or measure so used or offered for sale, or found in his possession, shall, on being discovered by the Deputy Inspector, be forfeited and forthwith seized and broken by him, without suit or other authority than this Act.

Penalty for marking any weight or measure, &c., without verifying it.

28. If any Deputy Inspector stamps or marks any balance beam, weight or measure, or weighing-machine, without having first duly compared and verified the same with the standard or other authorised instrument in his possession for the purpose, he shall on conviction, incur a penalty not exceeding fifty dollars.

Or for marking it out of the proper Division.

29. If any Deputy Inspector knowingly stamps any balance beam, weight or measure, or weighing-machine, of any person residing within the limits of any inspection division for which another Deputy Inspector has been legally appointed, he shall, on conviction, incur a penalty not exceeding five dollars for every weight or measure or weighing-machine so stamped.

For refusing to produce weights or measures for inspection.

30. Any person who refuses to produce for inspection, when thereunto required, all weights, measures, beams, scales or weighing-machines in his possession, shall, on conviction, forfeit a sum not exceeding twenty dollars for the first, and forty dollars for each subsequent offence.

For counterfeiting stamps, &c.

31. If any person counterfeits any stamp or mark used by any Deputy Inspector for inspection purposes, or in any manner whatever diminishes, augments or alters any balance, beam, weight or measure, or weighing-machine stamped or marked under this Act, or sells, barter, or exchanges any goods, or any things whatever, by any weight or measure, or weighing-machine, stamped or marked with any counterfeit stamp or mark, or diminished, or altered or augmented as aforesaid, he shall, for the first offence, incur a penalty of forty dollars; and for the second and each subsequent offence, he shall incur a penalty of one hundred dollars, and suffer two months' imprisonment.

Penalty for making or selling false weights, &c.

32. Any person who makes or sells, or causes to be made or sold, any light, false or unjust weight or measure, or other balance, beam or weighing-machine, shall, on conviction for the first offence, incur a penalty not exceeding fifty dollars; and for each subsequent offence he shall incur a penalty of one hundred dollars and suffer two weeks' imprisonment.

33. If any person obstructs or impedes any Deputy Inspector or other officer acting in execution of this Act, or of any Order of the Governor in Council or Departmental regulation made thereunder, he and every person aiding and assisting therein shall be guilty of an offence against this Act, for which he shall on conviction, incur a penalty of one hundred dollars; and the Deputy Inspector, or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can be taken before a Justice, to be dealt with according to law.

For obstructing Inspector on duty.

34. All forfeitures and penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, before any Justice of the Peace for the district, county or place in which the offence was committed, if such forfeiture or penalty does not exceed fifty dollars; and before any two such Justices, or any Magistrate having, by law, the power of two such Justices, if it exceeds that sum,—upon proof by confession, or by the oath of one credible witness, and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, by warrant, under the hand and seal of such Justice, Justices or Magistrate, by whom also any imprisonment to which the offender is liable may be awarded; and to all such cases the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled: "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,*" shall apply, subject to the provisions of this Act.

Recovery of penalties, &c.

32, 33 Vic. 31.

2. One half of any penalty so recovered shall belong to the party suing for the same, not being the Deputy Inspector or any officer acting in pursuance of this Act, and the other half, or if the party suing is an officer acting in pursuance of this Act, the whole penalty shall belong to Her Majesty, for the uses of the Dominion.

Appropriation of penalties.

3. All false weights, beams, balances and weighing-machines seized as forfeited under this Act, shall be delivered to the District Inspector, in whose custody they shall remain subject to the order of the Department of Inland Revenue.

Custody of forfeited weights, &c.

35. No action or prosecution shall be brought against any person for any forfeiture or penalty by this Act imposed, unless the same is commenced within three months after the offence is committed.

Limitation of prosecutions.

MISCELLANEOUS.

36. All weights and measures shall have their legal denominations legibly marked upon them except only such small denominations as cannot be marked, and no Inspector or Deputy Inspector shall verify or stamp a weight or measure unless so marked.

Denomination to be marked on weights.

Weighing instruments how marked.

37. Every beam, steel-yard or other weighing machine shall have conspicuously marked upon some essential part of it, the actual avoirdupois weight of each weight or counterpoise used with it.

As to weights and measures stamped in any Division and used in another.

38. No weight or measure, or weighing-machine, duly stamped by any Deputy Inspector, or other person hereby legally authorized to examine and stamp the same, shall be liable to be re-stamped, although the same be used beyond the limits of the inspection division within which it was originally stamped, but shall be considered as a legal weight, or measure or weighing machine, throughout Canada, unless found to be defective or unjust on any subsequent periodical or other inspection, to which it shall remain subject as provided by this Act, by the Deputy Inspector for the division in which it may then be.

Remuneration of Inspectors or Deputies.

39. The Governor in Council may assign to each Inspector and Deputy Inspector appointed under this Act, such remuneration or salary not exceeding what may have been voted by Parliament, as may be deemed expedient; and may also allow to each such Inspector or Deputy Inspector such further sum as will suffice to meet his actual expenses in the performance of his official duties.

Officers of Inland Revenue may be Inspectors.

40. The Governor may in his discretion appoint any officer of the Inland Revenue Department to the office of Inspector or Deputy Inspector under this Act; and such officer may discharge the duties assigned to him under this Act, in conjunction with and in addition to, his other official duties, anything in any Act or law to the contrary notwithstanding.

Inspectors &c. not to be makers of weights or measures.

41. No officer appointed under this Act, shall be a maker or seller of weights, measures or weighing machines: nor shall any officer appointed under this Act, repair, alter or adjust any weight, measure or weighing machine, verified by him or submitted to him for verification.

Metal for weights and measures.

42. From and after the day appointed by the Governor at that upon and after which the weights and measures in conformity with the standards by this Act established, shall alone be used throughout Canada, no weight made of lead or pewter, or any mixture thereof, shall be stamped or used unless it be wholly and substantially cased with hard metal; but for the purpose of adjusting any weight, a plug of soft metal, not larger than is necessary for receiving the stamps, may be inserted, if found necessary and directed by the Deputy Inspector.

Regulations by Governor in Council.

43. The Governor in Council may, from time to time, make, repeal, or amend regulations consistent with this Act, for or concerning any or all of the subjects herein mentioned:—

1. The guidance of the Inspectors or Deputy Inspectors in the performance of their duties.

2. The replacement and use of the standards.

The methods of verifying local standards or weights and measures, weighing machines and balances, and of certifying such verification.

The amount of error that may be tolerated in weights, weighing machines, balances and measures.

The shapes, dimensions, and proportions to be required in weights, weighing machines and measures, and the material of which they may be made.

The marking on weights and measures authorized under this Act, and their several denominations.

The imposition of penalties not exceeding one hundred dollars for any contravention of such regulations.

That such regulations shall be published in the *Canada Gazette*. Publication.

The Governor in Council may, from time to time, make, amend or repeal a tariff of fees to be paid to the Inspectors for weighing and stamping weights and measures, balances, beams and other weighing machines, under this Act,—such tariff being so made as to defray, as nearly as may be, the cost of carrying out this Act, and to provide for the sufficient remuneration of the Inspectors and Deputy Inspectors, in such manner as shall to the Governor in Council seem equitable; and the Order in Council containing the tariff and regulations, and any repeal or amendment thereof, shall be published in the *Canada Gazette*; and the said fees shall form part of the Consolidated Revenue Fund of Canada, and shall be paid over to the Receiver-General, in such manner and under such regulations as the Governor in Council shall direct.

Governor in Council may from time to time make a Tariff of Fees for inspection.

Such fees shall be paid at the time of the inspection, stamping or verification, to the Deputy Inspector, who shall affix to the certificate given by him an adhesive stamp or stamps to the amount of the duty, and shall at the time of affixing the same, write or hereon, in such manner as may be directed by Departmental Regulations, the date at which it is affixed; and no certificate shall be valid or avail for any purpose whatsoever, unless the requisite stamps have been duly affixed thereto and cancelled.

When and how such fees shall be paid.

The Governor in Council may, from time to time, direct that stamps to be prepared for the purposes of this Act, and that such device as he thinks proper; and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund.

Stamps for use under this Act.

The device on such adhesive stamp shall express the value of the duty; that is to say: the sum at which it shall be reckoned in the certificate of the duty hereby imposed.

Device thereon.

Separate accounts shall be kept of all expenditure incurred under this Act, and of all fees and duties collected and received under the authority of this Act.

Accounts under this Act.

Authority

city of this Act, and a correct statement of the same up the Thirtieth day of June, then last past, shall be laid before Parliament within the first fifteen days of the then next session thereof.

METRIC SYSTEM.

Metric or decimal system may be legally used.

49. Notwithstanding anything contained in any Act or law now in force to the contrary, no contract or dealing shall be deemed to be invalid or open to objection, on the ground that the weight or measures expressed or referred to in such contract or dealing are weights or measures of the Metric System; or on the ground that decimal subdivisions of legal weights and measures, whether Metric or otherwise, are used in such contract or dealing.

Tables in Schedule A may be used in computing.

50. The tables in Schedule A hereunto annexed shall be deemed to set forth, in terms of the standard weights and measures of Canada, the equivalents of the weights and measures therein expressed in terms of the Metric System; and such table may be lawfully used for computing, determining and expressing in weight and measures of Canada, weights and measures of the Metric System.

Governor may procure Metric Standards.

51. Whenever the Governor of Council is of opinion that it has become necessary and desirable, he may direct Standards of Metric Weights and Measures to be procured and legalized, and verified copies of them to be provided; and may, by Order in Council, make regulations for authorizing and facilitating the use of the same, for the verification of Metric Weights and Measures in use in Canada.

REPEAL—INTERPRETATION AND SHORT TITLE.

Repeal of former Acts.

52. The Acts and parts of Acts described in the Schedule B to this Act, shall be repealed upon the day fixed by proclamation as that upon which weights and measures in conformity with the standards established by this Act, shall alone be used throughout Canada, except in so far as the said Acts respectively repeal any former Act, or provision of law, and except also as to acts done, penalties incurred, or contracts made before the said day.

Interpretation.

53. The expression "weighing machine" in this Act, includes any scales, beam, steel-yard or other apparatus for weighing.

Short Title.

54. This Act may be known and cited as "The Weights and Measures Act, 1873."

SCHEDULE A.

Tables of the values of the principal denominations of Measures and Weights on the Metric System, expressed in terms of the Standard Measures and Weights of Canada :—

1.—MEASURES OF LENGTH.

Metric Denominations and values.		Equivalents expressed in Terms of the Standard of Canada.		
—	Metres.	In Standard Yards & Decimal parts of a yard.	In feet and decimal parts of a foot.	In Links and decimal parts of a Link.
Miriametre ...	10000	10939·444444	32818·333333	49724·74747
Kilometre	1000	1093·944444	3281·833333	4972·47474
Hectometre....	100	109·394444	328·183333	497·24747
Decametre.....	10	10·939444	32·818333	49·72474
Metre	1	1·093944	3·281833	4·97247
Decimetre	$\frac{1}{10}$	·109394	·328183	·49724
Centimetre	$\frac{1}{100}$	·010939	·032818	·04972
Millimetre.....	$\frac{1}{1000}$	·001093	·003281	·00497

2.—MEASURES OF SURFACE.

Metric Denominations and Values.			Equivalents expressed in terms of the Standard of Canada.	
—		Square Metres.	In square yards and decimal parts of a square yard.	In square links and decimal parts of a square link.
Hectare	100 arcs.	10000	11967·1444	247255·0511
Decare.....	10 do .	1000	1196·7144	24725·5051
Are.....	1 do .	100	119·6714	2472·5505
Centiare.....	$\frac{1}{100}$ do .	1	1·1967	24·7255

3—WEIGHTS.

Metric Denominations and Values.		Equivalents expressed in terms of the Standard of Canada.	
—	Grams.	In pounds Avoirdupois and decimal parts of a pound.	In grains and decimal parts of grain Troy.
Millier.....	1000000	2204·62125	
Quintal.....	100000	220·46212	
Myriagramme.....	10000	22·046212	
Kilogramme.....	1000	2·204621	
Hectogramme.....	100	·220462	
Decagramme.....	10	·022046	
Gramme.....	1	·002204	15·4323487
Decigramme.....	$\frac{1}{10}$	·0002204	1·5432348
Centigramme.....	$\frac{1}{100}$	·0000220	·1543234
Milligramme.....	$\frac{1}{1000}$	·0000022	·0154323

4.—MEASURES OF CAPACITY.

Metric Denominations and Value.			Equivalents expressed in terms of the Standard of Canada.	
—	Cubic Metres.	Litres.	In Imperial gallons and decimal parts of an Imperial gallon.	—
Kilolitre	1	1000	220·2443	
Hectolitre	$\frac{1}{10}$	100	22·0244	
Decalitre	$\frac{1}{100}$	10	2·2024	
Litre	$\frac{1}{1000}$	1	·2202	
Decilitre	$\frac{1}{10000}$	$\frac{1}{10}$	·0220	
Centilitre	$\frac{1}{100000}$	$\frac{1}{100}$	·0022	

SCHEDULE B.

Acts and parts of Acts repealed.

Con. Stat. Can., chap. 53. Stat. Province Can. 28, Vict. chap. 6.	An Act respecting certain Weights and Measures.	The whole.
	An Act respecting the Weighing, Measuring and Gauging of certain arti- cles of general consump- tion.	Section 21.
Con. Stat. U. C., chap.58.	An Act respecting Weights and Measures.	The whole.
Con. Stat. L. C., chap.62.	An Act respecting Weights and Measures.	The whole.
Con. Stat. L. C., chap. 63.	An Act respecting the Measurement of Coal and Weight of Hay and Straw.	The whole ex- cepting sections 8 and 9.
Revised Stat. New Bruns- wick, chap.95.	Of Weights and Measures.	The whole.
New Brunswick, 30 Vict. chap. 7.	An Act relating to Weights.	The whole.
Nova Scotia Revised Stat. chap.86.	Of Weights and Measures.	The whole.
British Columbia.	An Ordinance to establish a standard of Weights and Measures. Passed April 22, 1868.	The whole.
Act of the Parliament of Canada, 34 Vict., Chap. 24.	An Act to render permissive the use of the Metric or of the decimal system of Weights and Measures.	The whole.

CHAP. 48.

An Act to provide for the Inspection of Gas and Gas
Meters.

[Assented to 23rd May, 1873.]

WHEREAS it is expedient that the measurement of gas, sold and supplied for lighting, heating and other purposes, should be hereafter regulated by one uniform standard; that the illuminating power of such gas, and the purity thereof, should be regulated by certain rules and tested; and that all gas meters should be inspected and stamped: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In construing this Act, the word "meter" shall mean gas meter, and shall include every kind of machine, apparatus or instrument used for measuring gas: the word "undertaker" shall mean any company or party undertaking to furnish gas to any purchaser.

Preamble.

Definition of
terms in this
Act.

“purchaser,” which word shall include any corporation, person or party to whom such gas is to be furnished: the expression, “prescribed quality,” shall mean that quality of gas which the undertaker has undertaken to supply to the purchaser: and the word “Inspector” shall mean an Inspector of Gas Meters appointed under this Act.

Standard of
measure for
Gas.

2. After the date fixed by the proclamation to be issued under this Act, the only standard or unit of measure for the sale of gas by meter, shall be the cubic foot, containing sixty-two pounds and three hundred and twenty-one thousandths of a pound avoirdupois weight of distilled water, weighed in air at the temperature of sixty-two degrees of Fahrenheit’s thermometer, the barometer being at thirty inches; except as relates to contracts made before the passing of this Act, and in which a different unit of measure is adopted, which contracts, if renewed, shall adopt the unit of measure above prescribed.

Models of gas-
holders, mea-
suring in cubic
feet.

3. Within as short a period as may be, after the passing of this Act, models of gasholders measuring the said cubic foot, and such multiples and decimal parts of the said cubic foot, as the Minister of Inland Revenue shall deem expedient, and from time to time models of such further multiples and decimal parts of the said cubic foot as the Minister of Inland Revenue shall from time to time think necessary shall be carefully made with proper balances, indices and apparatus for testing the measurement and registration of meters; and such models shall be verified under the direction of the Minister of Inland Revenue, and when so made and verified, shall be deposited in the Department of Inland Revenue; and copies of the models so deposited, verified as aforesaid, shall be used under such regulations as may be approved by the Governor in Council, for testing and verifying all meters used within the Dominion.

Verification
and deposit
for use.

Models of ap-
paratus for
testing gas.

4. Models of the apparatus described in Schedule A of this Act for testing the illuminating power and purity of gas, shall also be procured; and, after having been approved by the Minister of Inland Revenue, shall be deposited in the Department of Inland Revenue; and copies of the said models shall be used in the manner described in part two of the said Schedule A, and in such further instructions, not inconsistent therewith, as may be from time to time directed by departmental regulations, for testing the illuminating power and purity of gas.

Commence-
ment of this
Act.

5. So soon as the models and apparatus herein mentioned, have been obtained and approved, the Governor in Council may issue a proclamation, fixing a day, not less than six months from the date of such proclamation, upon which the provisions of this Act respecting inspection shall go into operation.

INSPECTORS AND APPARATUS.

Appointment
of Inspectors.

6. In every city, town, village or place in Canada where gas made for sale, one or more Inspectors of gas and gas meters shall

be appointed by the Governor, whose duty shall be to have the custody of all measuring and testing apparatus and standards, and of all stamps and stamping apparatus supplied for use in the place for which he is appointed, hereinafter referred to as his "district;" and the Inspectors so appointed shall verify all gas meters, and test the purity of gas used in their respective districts, and shall stamp the meters when found correct, and grant certificates as to the quality of the gas, in such manner and in such form as may be prescribed by regulations made under authority of this Act; and any such Inspector may at all reasonable hours enter any place within his district where any meter is used for measuring gas delivered to a purchaser, for the purpose of inspecting the meter so used.

Their duties.

7. The Inspectors appointed under this Act shall be paid such allowances or salary for their services as may be from time to time ordered by the Governor in Council, not exceeding what may be voted by Parliament.

How paid.

8. Inspectors of weights and measures, and other officers of Inland Revenue, may be appointed, and act as Gas Inspectors under this Act: but no officer appointed under this Act shall be a maker or seller of gas or gas meters, or employed by any maker or seller of gas or gas meters; nor shall any such officer repair or adjust any gas meter inspected or verified by him.

Who may be appointed.

Proviso.

9. Every Inspector appointed under this Act shall be supplied by the Department of Inland Revenue, under such regulations as may be prescribed by the Minister of Inland Revenue, with the necessary apparatus for testing and verifying gas and gas meters; which apparatus shall first be tested and verified by the primary models and apparatus established by authority of this Act.

Standards, &c. to be furnished to Inspectors.

10. Each Inspector on appointment shall take an oath for the faithful and impartial discharge of the duties assigned to him before some Justice of the Peace, who shall give him a certificate, of his having done so, which shall be transmitted by him to the Minister of Inland Revenue, in whose office it shall be kept; and shall be furnished with the necessary inspection standards, being copies duly authenticated, of the official standards and other apparatus: he shall give bonds to an amount to be fixed by Order in Council for the safe custody and careful preservation of such standards and apparatus and for their delivery over to his successor in the event of his resignation or removal from office, and for the due accounting for all moneys received by him in the execution of this Act.

Inspectors to be sworn and give security.

11. Once in every five years at the least, and whenever required so to do by the Commissioner of Inland Revenue, each Inspector shall present his inspection standards and other apparatus in his possession for the purpose of ascertaining and establishing their accuracy by comparison with the official standards, and shall obtain from the Commissioner a certificate of their accuracy.

Verification of Standards.

Re-verification at certain periods.

12. No copy of the gas-measuring models shall be legal that has not been verified or re-verified by the Department of Inland Revenue, within a period of ten years after the next preceding verification; and no such copy, having been altered or readjusted after verification by the Department of Inland Revenue, shall be legal until re-verified by the said Department.

VERIFYING AND TESTING METERS AND GAS.

Unverified meters illegal.

13. After a period of six months from the day fixed by proclamation as aforesaid, it shall not be lawful to fix for use, any gas meter which has not been verified and stamped as hereinafter provided.

Measuring capacity of meters to be marked on them.

14. No meter for the purpose of ascertaining the quantity of gas sold, or used, shall be fixed for use after the expiration of six months after the time fixed by the proclamation giving effect to this Act, unless the same shall have its measuring capacity at one revolution or complete action of the meter, and also the quantity per hour it is intended to measure in cubic feet or multiples or decimal parts of a cubic foot, conspicuously marked on the outside of such meter in legible letters and figures.

And number of lights they are to supply.

15. Every gas meter so tested and verified shall be marked with the number of lights it is constructed to supply—each light being computed to consume five cubic feet of gas per hour, under a pressure equal to a column of water five-tenths of an inch high.

Re-verification.

16. No gas meter shall be used that has not been re-verified and re-stamped within a period of seven years.

Must have certain qualities.

17. No meter shall be stamped which shall be found by the Inspector to register, or to be capable of being made to register quantities varying from the true standard measure of gas, more than three per cent in favour of the seller, or four per cent. in favour of the consumer.

Verification how attested.

18. The verification of each meter shall be attested by affixing or impressing on some essential part thereof, a stamp or mark such description and in such manner as may be directed by regulations made by the Minister of Inland Revenue, and further the granting of such certificate as aforesaid.

Re-verification every five years.

19. No meter duly stamped under authority of this Act shall be liable to be re-stamped within the period of five years from its then last verification or re-verification thereof, although the same be used in any other place than that at which it was originally stamped; but shall be considered as a legal meter throughout the Dominion, unless found to be incorrect under the meaning of this Act, or requiring re-verification by lapse of time as aforesaid.

What meters may be used by consumers.

20. Every consumer of gas may purchase and use for the measurement of the gas supplied to him, any meter duly verified and

and stamped under the authority of this Act, provided that the gas to be consumed in an hour shall not exceed the quantity per hour the meter is intended to measure, and marked on the outside thereof, as herein provided.

21. In every case, the owner of the meter, whether such owner is the buyer or seller of the gas for the measurement whereof the meter is used, shall keep every such meter in good repair, and shall be responsible for the due inspection thereof; and except as herein otherwise provided, shall pay the fee lawfully chargeable for such inspection, and shall be liable for all penalties incurred in respect of such meter. Owners to keep them in repair.

22. The verification and testing of meters and gas shall be performed in accordance with the provisions of this Act, and with such further regulations not inconsistent therewith as may be from time to time, made by the Governor in Council. Rules for verification.

23. The following rules shall be observed by the Inspector in testing meters :— The same.

(1.) The wheelwork and other appliances whereby the registering indices are moved shall be verified in such manner as may be from time to time prescribed by regulations made by the Minister of Inland Revenue. Accuracy of wheel-work, &c.

(2.) The meter shall be tested for soundness or leakage only, and not for per centage of error, when fixed in a horizontal base, and with gas under a pressure equal to a column of water three inches high, and supplying a light or lights consuming not more than one-twentieth part of its measuring capacity per hour, marked thereon, nor less than one half of a cubic foot per hour for all meters of a measuring capacity not exceeding one hundred cubic feet per hour, and not more than one fortieth part of its said capacity per hour for all meters of any greater measuring capacity per hour than one hundred cubic feet; and all meters found to work under such test, and none other, shall be deemed sound meters. For soundness.

(3.) The meter to be tested for per centage of error shall be fixed in a horizontal base, and shall be tested at a pressure equal to a column of water one inch high, and also under a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour, which shall be marked thereon as its measuring capacity per hour; and the water used in such testing, and the air of the room in which such testing is made, shall be as nearly as practicable of the same temperature as the gas or air passed through the meter. For per centage of error.

24. During the inspection of any meters, or the testing of any gas under the provisions of this Act, the owner of such meters, or the manufacturer of such gas, and also the person to whom the gas is supplied, may be present, by himself or his agent; and at least Owner, &c., may be present at inspection.

least twenty-four hours' notice of such inspection shall be given by the Inspector or person at whose request the inspection is made to the other party in the contract.

Inspector's
power to enter
for inspection.

If meter be
found in-
correct.

25. It shall be lawful for any Inspector appointed under this Act, at the request (and expense) of any buyer or seller of gas (who shall give twenty-four hours' notice, in writing, to the other party to the contract), at all reasonable times to enter any house or shop, store, yard or other place whatsoever within his district, where any meter, stamped or unstamped, is fixed or used, and to remove such meter, doing as little damage thereby as may be; and if upon examination and testing it shall appear that any such meter is incorrect or fraudulent, such meter shall not be refixed or used again, unless and until altered and repaired, so as to measure and register correctly, and stamped.

Disputes how
settled.

Expenses.

26. In case of any dispute between the buyer and seller of gas, or between any owner of a meter and the Inspector, respecting the correctness of such meters, the Inspector shall, if required by persons so dissatisfied, give such party his reasons, in writing, for his decision; and the dissatisfied party may require such meter to be examined and re-tested by two Inspectors of adjoining or neighbouring districts, to be named one by each party; and the decision of such last mentioned Inspectors shall be final; and the expenses of the proceeding to be taken under the powers hereby granted shall be borne by the party against whom the decision is given.

Where in-
spection shall
be made.

Proviso.

27. All meters required to be verified and stamped, except as herein mentioned, shall be delivered to the Inspector at the place where his testing gas holder and apparatus may be kept; and every purchaser and seller of gas may, at his own expense, at any time after the date fixed as aforesaid, require any stamped or unstamped meter by which his gas is measured to be examined and tested, and if found correct, stamped; or he may at his own expense, substitute a stamped meter in the place of any such unstamped meter: Provided that such purchaser or seller of gas shall, before removal of any such unstamped meter for the purpose aforesaid, give twenty-four hours' notice, in writing, of such intended removal, to the other party to the contract.

TESTING THE QUALITY AND PURITY OF GAS.

Standard of
gas for purity
and illuminat-
ing power.

28. After the coming into force of the provisions of this Act, every undertaker in any city, town or place for which there is an Inspector of gas, shall be held to have undertaken that the quality of the gas to be supplied to the purchaser shall be such that the light produced by a standard burner consuming five cubic feet of gas per hour, shall, (subject to the provisions hereinafter made as to the Province of Ontario), be equal, in intensity, to that produced by fourteen sperm candles, as mentioned in Schedule A, and shall exhibit no trace of sulphuretted hydrogen when tested, in accordance with the rules provided in that behalf in the Schedule A.

this Act, which shall be called the "standard quality;" unless such undertaker shall have expressly undertaken to furnish gas of some other quality as to its illuminating properties, which shall be called the "prescribed quality;" but in any case gas furnished for lighting purposes shall be free from any trace of sulphuretted hydrogen as aforesaid: and the testing place shall be provided by the undertaker, and shall be some place on his premises, where the gas is produced, to be approved by the Inspector: Provido as to Ontario. Provided that on account of the expense and difficulty of procuring coal of the proper quality in the Province of Ontario the words "twelve sperm candles" shall be substituted for the words "fourteen sperm candles" in reading and construing the foregoing provisions of this section with reference to the said Province.

~~29.~~ The Inspector may, at any reasonable time, and at the request of either the undertaker or the purchaser, examine and test the gas furnished by the undertaker at the testing place approved or prescribed as aforesaid. Testing place. Right of entry for testing.

30. The undertaker shall cause to be provided at the testing place proper conveniences and apparatus therein for the purposes following, if there be no special agreement, or for such of them as may be prescribed by the special agreement, if any, that is to say,— Apparatus for testing to be furnished by maker of the gas.

(a.) For testing the illuminating power of the gas supplied;

(b.) For testing the presence of sulphuretted hydrogen in the gas supplied:

2. The said apparatus shall be in accordance with the regulations prescribed in Schedule A to this Act annexed, or according to such rules as may, from time to time, be substituted in lieu thereof by regulations under this Act; and shall be so situated and arranged as to be conveniently used for the purpose of testing the illuminating power and purity of the gas supplied by the undertaker; and the undertaker shall, at all times thereafter, keep and maintain such testing place and apparatus in good repair and working order. To be according to Schedule.

31. The Inspector may test the illuminating power and purity of the gas supplied by the undertaker on any or every day between the hours of five o'clock and eight o'clock in the afternoon, from the first day of October to the thirty-first day of March, both inclusive, and on any or every day between the hours of seven o'clock and ten o'clock in the afternoon, from the first day of April to the thirtieth day of September, both inclusive. Time for testing.

~~32.~~ The undertaker and purchaser, or either of them, may have an agent present at the testing; but such agent shall not interfere with the operation of testing, which shall be conducted in accordance with the rules prescribed in the Schedule A to this Act annexed, or in any regulations made under this Act. Parties may be present.

Fees how paid. 33. The fees of the Inspector shall be paid by the party requiring the inspection; but if the Inspector finds and certifies the gas inspected is inferior in quality to the standard or quality which the undertaker was bound to furnish to the purchaser, the purchaser, if he has required the inspection, may recover fees so paid by him from the undertaker.

Certificate of Inspection.

Its effect.

34. The Inspector shall give to either the undertaker or purchaser, or both, on payment of the proper fee, a certificate stating the result of his inspection, and the time at which it was made and at whose instance, and any other particulars he may think right to insert for the information and guidance of the parties concerned; and such certificate shall be *prima facie* evidence of the quality of the gas inspected, and shall bear an adhesive stamp or stamps representing the fee lawfully chargeable for such certificate.

FEES, STAMPS AND ACCOUNTS.

Fees how fixed and appropriated.

35. The fees for testing and stamping gas meters or for testing the quality and purity of gas, shall be determined from time to time by the Governor in Council, and notified in the *Calcutta Gazette*, and such fees shall be regulated so that they will nearly as may be, meet the cost of carrying this Act into effect, and all fees received under this Act shall be accounted for and paid to the Receiver General, at such times and in such manner as the Minister of Inland Revenue may direct, and shall form part of the Consolidated Revenue Fund.

Payment of fees by stamps.

36. Such fees shall be paid at the time of the inspection, stamping or verification, to the Inspector, who shall affix to the certificate given by him, an adhesive stamp or stamps to the amount of the duty, and shall, at the time of affixing the same, write or stamp thereon the date at which it is affixed; and no certificate shall be valid or avail for any purpose whatsoever, unless the required stamps have been duly affixed thereto and cancelled.

Preparation of stamps.

37. The Governor in Council may from time to time direct stamps to be prepared for the purposes of this Act, and bear such device as he thinks proper; and may defray the cost thereof out of any unappropriated moneys forming part of the Consolidated Revenue Fund. The device on such certificate stamp shall express the value thereof, that is to say, the sum at which it shall be reckoned in payment of the fee hereby imposed.

Accounts.

38. Separate accounts shall be kept of all expenditure incurred and of all fees and duties collected and received under the authority of this Act; and a correct statement of the same up to the third day of June, then last past, shall be yearly laid before Parliament within the first fifteen days of the then next session thereof.

PENALTIES.

39. If any person makes, except under the authority of this Act, or forges or counterfeits, or causes or procures to be made, except as aforesaid, or forged or counterfeited, or knowingly acts or assists in the making except as aforesaid, or forging or counterfeiting any stamp or mark which may be hereafter used for the stamping or marking of any meter under this Act, he shall, upon conviction, incur a penalty not exceeding two hundred dollars, nor less than fifty dollars; and if any person knowingly sells, utters or disposes of, lets, lends or exposes to sale, any meter with such forged stamp or mark thereon, he shall, for every such offence, on conviction, incur a penalty not exceeding two hundred dollars, nor less than twenty dollars; and all meters having on them such forged or counterfeited stamps or marks, shall be forfeited and destroyed.

Punishment
for forging
stamps for
meters.

Knowingly
using meter
with forged
stamp.

40. Any person who knowingly repairs or alters, or causes to be repaired or altered, or knowingly tampers with or does any other act in relation to any stamped meter, so as to cause such meter to register unjustly, or who prevents or refuses lawful access to any meter in his possession or control, or interferes with or obstructs the supply of water necessary for the proper action of the meter, or obstructs or hinders any examination or testing authorised by this Act, shall, on conviction, incur a penalty not exceeding one hundred dollars, and pay the fees for removing and testing, and the expense of purchasing and fixing a new meter: Provided that the payment of any such penalty as aforesaid shall not exempt the person paying it from liability to indictment or other proceeding at law to which he would otherwise be liable, or deprive any person of the right to recover damages against such person for any loss or injury sustained by such act or default.

And for
falsely alter-
ing meters,
&c., or ob-
structing their
action.

Proviso.

41. Every person who, after the period fixed by proclamation, under authority of this Act, fixes for use, or causes to be fixed for use, any meter, before it has been verified and stamped as herein required, shall, on conviction, incur a penalty of twenty-five dollars for every such unverified or unstamped meter.

Fixing un-
stamped me-
ter.

42. Any Inspector who stamps any meter without duly testing and finding the same to be correct; or who refuses, or neglects, for three days after being required under the provisions of this Act, without lawful excuse, to test any meter, or gas, or to stamp any meter found to be correct on being so tested; or who neglects to perform any duty imposed upon him by this Act, or by any regulations made by authority thereof, shall incur a penalty not exceeding fifty dollars, and shall be liable to dismissal from office.

Stamping in-
correct meter.

43. Every person who forges or counterfeits, or causes or procures to be forged or counterfeited, any certificate purporting to be granted under this Act, or any stamp which under this Act is to be affixed to any such certificate; or wilfully uses any such counterfeited certificate or stamp knowing it to be forged or counterfeit, shall be deemed guilty of forgery and punishable accordingly; and the stealing of any such stamps shall be larceny.

Forging certi-
ficates or
stamps.

Recovery of penalties.

44. All penalties imposed by this Act, or by any regulation made under its authority, shall be recoverable, with costs, by any Justice of the Peace for the district, county or place in which the offence was committed, if the penalty does not exceed ten dollars, and before any two such Justices or any Magistrate or functionary having the powers of two such Justices, if the penalty exceeds twenty dollars, upon proof by confession, or oath of one credible witness; and may, if not forthwith paid, be levied by distress and sale of the goods and chattels of the offender, or by warrant under the hand and seal of the Justice, by whom the offence was committed, to which the offender is liable may be awarded.

Appropriation.

2. One half of any penalty so recovered shall belong to the party suing for the same, not being the Inspector or any person acting in pursuance of this Act, and the other half shall belong to Her Majesty, for the use of the Dominion, or

The same.

3. If the penalty is recovered by the Inspector or any person acting in pursuance of this Act, the whole shall belong to Her Majesty, for the use of the Dominion.

False meters how dealt with.

45. All false meters seized as forfeited under this Act, shall be delivered to the Inspector, in whose custody they shall remain, subject to the order of the Department of Inland Revenue.

Limitation of suits.

46. No action or prosecution shall be brought against any person for any fine or penalty by this Act imposed, unless the same is commenced within three months after the offence was committed.

Act of Nova Scotia, 27 V. c. 64, repealed when Inspector is appointed for Halifax.

47. The Act of the legislature of the Province of Nova Scotia, passed in the twenty-seventh year of Her Majesty's Reign, chapter sixty-four and intituled: "An Act relating to the inspection of Gas in the City of Halifax," shall be repealed from and after the appointment of an Inspector of Gas and Gas Meters for the City of Halifax under this Act, except as to things done or liabilities incurred, or contracts made before such appointment.

Short title.

48. This Act may be known and cited as "The Gas Inspection Act, 1873."

SCHEDULE A.

Apparatus for Testing Gas.

The apparatus for testing the illuminating power of gas, shall consist of the improved form of Bunsen's photometer, known as Letheby's open sixty inch photometer, or Evan's enclosed one hundred inch photometer, together with a proper meter, minute governor, pressure gauge and balance.

The burners to be used for testing the gas shall be such as may be prescribed by regulation.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

The apparatus for testing the presence in the gas of sulphuretted hydrogen, shall consist of—

A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallized acetate of lead dissolved in one fluid ounce of water.

Mode of testing for Illuminating Power.

The gas in the photometer is to be lighted at least fifteen minutes before the testing begins, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be one hundred and twenty grains of sperm each per hour; and all candles shall be rejected as unsuitable when their rate of burning exceeds that quantity by more than ten per cent., or when it falls short of it by more than five per cent. Before and after making each set of ten observations of the photometer, the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than the proper weight as aforesaid per hour, he shall make and record the calculation requisite to neutralize the effects of the difference.

The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

Mode of testing for Purity.

For sulphuretted hydrogen, the gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes or such longer period as may be prescribed by regulation; and if any discoloration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

CHAP. 49.

An Act to amend and consolidate, and to extend to the whole Dominion of Canada, the Laws respecting the Inspection of certain staple articles of Canadian produce.

[Assented to 23rd May, 1873.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

GENERAL PROVISIONS.

Governor may appoint Inspectors of certain articles.

1. The Governor in Council may, from time to time, designate the several cities, counties, towns and other places in Canada, at and for which respectively, it is expedient to appoint Inspectors of the several articles hereinafter mentioned, or any of them, and the Governor may, from time to time, appoint at and for each of such cities, counties, towns and places, an Inspector of any of the following articles, that is to say:—

Flour and meal;
Wheat and other grain;
Beef and pork;
Pot ashes and pearl ashes;
Pickled fish and fish oil;
Butter;
Leather and raw hides;
Petroleum.

Tenure of office and limits of action.

Such Inspectors shall hold office during pleasure, and shall act respectively within such local limits as the Governor in Council may assign to them; and they and their Deputies shall be appointed only from among duly qualified persons, certified as such by the Examiners hereinafter mentioned.

Boards of Examiners of Inspectors, how appointed.

2. The Board of Trade at each of the Cities of Quebec, Montreal, Toronto, Kingston, Hamilton, London, Ottawa and St. John, N. B., and the Chamber of Commerce at the City of Halifax, may from time to time appoint in the said cities respectively, and the Governor may from time to time appoint in any county in the Dominion three fit and skilful persons for each class of articles to be inspected at such city, or county to examine and test the ability and fitness of applicants for the office of Inspector or Deputy Inspector of such articles; and no person shall be appointed such Inspector or Deputy Inspector, who has not been examined by and received a certificate of qualification from the proper Board of Examiners: Provided always, that the Governor may in his discretion appoint as an Inspector under this Act, without a new examination, any person who has been an Inspector of the same article under any Act hereby repealed. And the Board may at any

Inspectors must have been examined.

Proviso: as to present Inspectors.

any such examination permit the attendance of any person or persons, of experience and skill in the subject of such examination, and allow them to propose questions pertinent thereto to the examinee, in order to test his knowledge and skill. Who may be present at examination.

3. Each such Examiner shall before acting as such, take before some Justice of the Peace, an oath in the following form or to the same effect :— Examiner to take oath.

“I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office of Examiner of applicants for the office of Inspector or Deputy Inspector of Oath.
 “and that I will therein well and truly, in all things, act without partiality, favor or affection, and to the best of my knowledge and understanding. So help me God.”
 Which oath shall remain in the custody of the Justice administering it.

4. No Inspector or Deputy Inspector shall deal or trade in, or have any interest directly or indirectly, in the production of any article subject to inspection by him, or sell or buy any such article (except for the consumption of himself and his family) under a penalty of two hundred dollars for any offence against this section, and the forfeiture of his office. Inspector or Deputy not to trade in articles which he inspects.

5. Each Inspector or Deputy Inspector shall, before acting as such, take and subscribe before some Justice of the Peace, an oath of office in the form or to the effect following :— Inspector or Deputy to take oath.

“I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of an Inspector (or Deputy Inspector), and that I will not directly or indirectly, by myself or by any other person or persons whomsoever, manufacture, or prepare, deal, trade in, or sell, or buy, except only for the consumption of myself and family, any (*insert the description of the articles he is to inspect*) on my account, or upon the account of any other person or persons whomsoever, while I continue such Inspector (or Deputy Inspector). So help me God.” Oath.

And such oath shall remain in the custody of the Justice administering it.

6. Each Inspector or Deputy Inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor may direct, by bond to Her Majesty, with two sureties to the satisfaction of the Governor, to be bound jointly and severally with him, in the form and subject to the provisions prescribed by law relative to the security to be given by persons appointed to offices of trust in Canada; and such bond shall avail to the Crown, and to all persons aggrieved Security to be given by Inspector or Deputy.

by any breach of the conditions thereof; and such bond remain in the custody of the Secretary of State of Canada, a copy thereof certified by him shall be *prima facie* evidence of such bond, and of the contents and tenor thereof; and such shall be furnished when required on payment of a fee of one

Appointment
of Deputy
Inspectors.

7. Each Inspector may, and shall when thereunto required by the Governor, appoint a Deputy or so many Deputies as may be necessary for the efficient and speedy performance of the duties of his office,—such assistants being duly examined and giving security as above provided; and they shall be the Deputies of the Inspector for all the duties of his office, their official acts shall be held to be the official acts of the Inspector, and he shall be responsible for them as if done by him, and each Deputy Inspector shall make such returns and reports of his official acts as shall be required of him by the Inspector whose Deputy he is.

Duties and
tenure of
office of
Deputy
Inspector.

8. The said Deputies shall respectively be paid by and hold their offices at the pleasure of the Inspector; and no Inspector shall allow any person whomsoever to act for him in the duties of his office, excepting only his sworn Deputy or Deputies appointed as aforesaid.

Deputy to act
on death of
Inspector.

9. In the event of the death of any Inspector, his senior Deputy Inspector shall perform all the duties of the Inspector until his successor is appointed.

Returns or
reports of
official acts,
under regula-
tions to be
made by
Governor in
Council.

10. The Governor in Council may, from time to time, require every Inspector to make such returns or reports of his or her official acts to any public department or officer, Board of Trade or municipal authority, and in such form and containing such particulars and information as he may deem expedient; and the Governor in Council may, from time to time, by Order in Council, make such regulations for the governance of Inspectors under this Act or any of them, as he may think proper, and by such regulations impose penalties not exceeding fifty dollars on any person offending against them; and any copy of such regulations printed in the *Canada Gazette*, shall be *prima facie* evidence of any such regulations, and that they are then in force, and such regulations, not being contrary to or inconsistent with this Act shall be obeyed by such Inspectors and parties employing them, as if embodied in this Act; and any offence against them shall be deemed an offence against this Act and punishable as such.

Disputes how
settled, where
there is no
Board of
Trade or
Chamber of
Commerce.

11. If any dispute arises between any Inspector or Deputy Inspector and the owner or possessor of any article by him inspected, with regard to the quality and condition thereof relating in any respect to the same, then upon application of either of the parties in difference, to any Justice of the Peace at the place in which such Inspector or Deputy Inspector acts, such Justice of the Peace shall issue a summons to three persons of good character and integrity,—one to be named by the Inspector or Deputy

spector, another by the owner or possessor of the article in question and the third by such Justice of the Peace (who failing the attendance of either of the parties in difference shall name for him) requiring such three persons forthwith to examine such article, and report their opinion of the quality and condition thereof under oath,—which oath the Justice of the Peace shall administer; and their determination, or that of the majority of them, made in writing, shall be final and conclusive, whether approving or disapproving the judgment of the Inspector or Deputy Inspector, who shall immediately conform thereto, and brand or mark such article, or the package containing the same (as the case may be) of the qualities or condition directed by the determination aforesaid: And if the opinion of the Inspector or Deputy Inspector be thereby confirmed, the reasonable cost or charges of re-examination (to be ascertained by the said Justice of the Peace), shall be paid by the said owner or possessor of the article in question; and if otherwise, by the Inspector or Deputy Inspector :

Costs.

Provided always that if any dispute arises between the Inspector or Deputy Inspector for any of the said Cities of Quebec, Montreal, Kingston, Toronto, Hamilton, St. John, N. B., or Halifax, N.S., and the proprietor or possessor of flour or meal, with regard to the quality or condition thereof, or relating in any respect to the same, such dispute shall not be decided in the manner hereinbefore provided; but, upon application by either of the parties in difference, to the Secretary of the Board of Trade or the Chamber of Commerce for the city where the dispute has arisen, the said Secretary shall forthwith summon a meeting of the Board of Examiners for the said city, who, or not less than three of them, shall immediately examine such flour or meal and report their opinion of the quality and condition thereof; and their determination, or that of a majority of them, made in writing, shall be final and conclusive, whether approving, or disapproving the judgment of the Inspector or Deputy Inspector, who shall immediately attend and conform himself thereto, and shall brand or paint, or cause to be branded or painted, each and every barrel or half-barrel, of the quantity and condition directed by the determination aforesaid :

And in cities where there is a Board of Trade or Chamber of Commerce.

And if the opinion of the Inspector or Deputy Inspector be thereby confirmed, the reasonable costs and charges of re-examination, according to the rates allowed by the Council of the Board of Trade or Chamber of Commerce for the city, shall be taxed by the said Secretary and paid by the proprietor or possessor of such flour or meal, and, if otherwise, by the Inspector, with all damages.

Costs.

12. The Council of the Board of Trade, or Chamber of Commerce, if there be one, for each of the said cities or places where Inspectors are appointed, and if not, the Governor in Council shall, from time to time, make a tariff of the fees and charges to be allowed for such re-examination and all services and matters connected therewith; and may also establish rules and regulations for the government of the persons re-examining any article on

Fees for re-examination, how to be fixed.

anneal

appeal from the decision of the Inspector or Deputy Inspector : And all such fees shall be payable before the delivery of the bill of inspection, or the re-delivery by the Inspector of the articles inspected, on which he shall have a special lien for such fees.

Penalty in case of neglect or refusal of Inspector to act.

13. If any Inspector or Deputy Inspector refuses or neglects on application to him made, personally or by writing, left at his dwelling-house, store, office or warehouse, on any lawful day between sun-rise and sun-set, by any owner or possessor of an article which such Inspector or Deputy Inspector is appointed to inspect (such Inspector or Deputy Inspector not being at the time of such application employed in inspecting elsewhere) forthwith, or within two hours thereafter to proceed to such inspection he shall, for every such neglect or refusal, forfeit and pay to the person so applying, twenty dollars, over and above all the damages recoverable in a summary way before any one Justice of the Peace on the oath of one credible witness other than such complainant.

How recoverable.

As to fraudulent alteration, or imitation or use, &c., of Inspector's marks, &c.

14. Any person who, with a fraudulent intention, alters, effaces or obliterates wholly or partially, or causes to be altered, effaced or obliterated, any Inspector's brands or marks, on any article having undergone inspection, or on any package containing any such article; or counterfeits any such brand or mark; or brands or impresses or otherwise marks thereon any mark purporting to be the mark of any Inspector, or of the manufacturer or packer of such article, either with the proper marking instruments of such Inspector, manufacturer or packer, or with counterfeit imitation thereof; or empties or partially empties, any such package marked after inspection, in order to put into the same any other article (of the same or any other kind), not contained therein at the time of such inspection; or uses for the purpose of packing any article any old package bearing inspection marks without effacing such marks before offering such article for sale; or (not being an Inspector or Deputy Inspector of any article) brands or marks any package containing it, with the Inspector's marks, or gives any certificate purporting to be a certificate of inspection of any article; and any person who, being in the employ of any Inspector or Deputy Inspector, or of any manufacturer or packer of any article subject to inspection, hires or lends the marks or marking instruments of his employer to any person whatever, or connives at or is privy to any fraudulent evasion of this Act with respect to any such marks as aforesaid,—shall, for such offence, incur a penalty of forty dollars; and any Inspector or Deputy Inspector who inspects or brands or marks any article out of the local limits for which he is appointed, or hires out or lends his marking instruments to any person whomsoever, or gives any certificate of inspection without having personally performed the inspection, or any wilfully false or untrue certificate, or connives at or is privy to any fraudulent evasion of this Act, shall, for each such offence, incur a penalty of one hundred dollars, and shall forfeit his office, and shall be disqualified from ever after holding the same.

False certificate.

Penalty.

Similar offences by Inspector or Deputy; or acting out of his district.

Any person not thereunto duly authorized under this Act, in any manner whatever assumes the title or office of Inspector, Deputy Inspector, or issues any bill, certificate, or declaration purporting to establish the quality of any Pot-ashes or Pearl-Flour or Meal, Beef or Pork, Grain, Pickled Fish or Fish Oil, or Leather or Raw-hides, or Petroleum, shall for every such offence incur a penalty not exceeding one hundred dollars.

Person assuming title &c., of Inspector without authority.

Every penalty and forfeiture imposed by this Act, or by regulation made under it, not exceeding forty dollars, shall, when it is otherwise herein provided, be recoverable by the Inspector or Deputy Inspector, or by any other person suing for the same, in a summary way before any two Justices of the peace for the place, in their ordinary or other sessions; and shall, in default of payment, be levied by warrant of distress, to be issued by such Justices, against the goods and chattels of the offender:

Penalty under \$40, how recoverable.

And where such penalty or forfeiture exceeds forty dollars, it may be sued for and recovered by any such Inspector, Deputy Inspector, or other person, by bill, plaint, information or civil action, in any Recorder's Court or in any other Court having jurisdiction in civil cases to the amount, and may be levied by execution as in case of debt:

Penalty over \$40, how recoverable.

And the moiety of all such penalties (except such as may be otherwise applied) when recovered, shall belong to the Crown for the public uses of the Dominion, and the other moiety shall belong to and be paid to the Inspector or Deputy Inspector, or person suing for the same.

Application of penalties.

Any action or suit against any person for anything done in pursuance of this Act, or contrary to its provisions, shall be commenced within six months next after the matter or thing done is committed to be done, and not afterwards; and the defendant may plead the general issue, and give this Act and the facts in evidence, at any trial therein, and that the same was done under this Act; and if it appears so to have been done, the judgment shall be for the defendant; and if the plaintiff discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the plaintiff shall recover treble costs and have the like remedy for the same as defendants have in other cases.

Limitation of time for commencing suits.

In all cases where any article is sold subject to inspection, the person applying to the Inspector shall be entitled to reimbursement of the cost of inspection from the vendor, if such person be not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection; and such agreement to submit to inspection, shall imply a warranty that the article in question is of the quality for which it is sold, and that all the requirements of this Act have been complied with as to such article and the packages in which it is contained, unless it be otherwise expressly stipulated.

By whom cost of inspection shall be paid when article is sold subject to inspection.

Inspection not compulsory, unless expressly so declared.

Proviso.

19. Nothing in this Act shall oblige any person to cause an article to be inspected, unless such inspection is expressly declared to be compulsory; but if inspected, it shall be subject to the provisions of this Act, and shall not be branded or marked as inspected unless the said provisions have been in all respects complied with, with respect to such article and the packages in which it is contained.

When this Act shall take effect.

Acts repealed.

C. S. C., c. 47.

23 V. c. 26.

C. S. C., c. 48.

C. S. C. cap. 49.

27 V. c. 7.

C. S. C., c. 50.

C. S. C., c. 51.

24 V. c. 22.

27 & 28 V. c. 21.

92 & 30 V. cap. 24.

33 V. c. 37.

36 V. c. 3.

R. S. N. S., c. 85.

20. This Act shall come into force and take effect upon, from and after the first day of September in the present year one thousand eight hundred and seventy-three, except that appointment regulations and other preliminary arrangements may be made under it at any time after its passing, to take effect after the said day: and upon, from and after the said day the Acts and parts of Acts hereinafter mentioned shall be repealed; that is to say, the forty-seventh chapter of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting the Inspection of Flour and Meal*," and the Act of the legislature of the said Province, passed in the twenty-third year of Her Majesty's Reign and intituled "*An Act concerning the Inspection of Flour and Meal*:" the forty-eighth chapter of the said Consolidated Statutes of Canada, intituled "*An Act respecting the Inspection of Beef and Pork*;" the forty-ninth chapter of the said Consolidated Statutes of Canada, intituled "*An Act respecting the Inspection of Pot and Pearl Ashes*," and the Act of the legislature of the said late Province, passed in the twenty-seventh year of Her Majesty's Reign, and intituled "*An Act to amend the 'Act respecting the Inspection of Pot and Pearl Ashes*;" the fiftieth chapter of the said Consolidated Statutes of Canada, intituled "*An Act respecting the Inspection of Fish and Oil*;" the fifty-first chapter of the said Consolidated Statutes, intituled "*An Act respecting the Inspection of Sole Leather*;" and the Act of the legislature of the said late Province passed in the twenty-fourth year of Her Majesty's Reign, and intituled "*An Act to amend the 'Act respecting the Inspection of Sole Leather*;" the Act of the said legislature passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, and intituled "*An Act to regulate the Inspection of Raw Hides and Leather*;" and the Act of the said legislature, passed in the twenty-ninth and thirtieth years of Her Majesty's Reign, intituled "*An Act to amend the law respecting the Inspection of Leather and Raw Hides*;" and the Act of the Parliament of Canada, passed in the thirty-third year of Her Majesty's Reign, intituled "*An Act to amend the law relating to the Inspection of Raw Hides and Leather*;" the Act of the legislature of the late Province of Canada, passed in the twenty-sixth year of Her Majesty's Reign, intituled "*An Act respecting the Inspection of Wheat and other Grain*;" so much of the eighty-fifth chapter of the Revised Statutes of Nova Scotia, third series, intituled "*Of the Regulation and Inspection of Provisions, Lumber, Fuel, and other Merchandise*," as relates to the regulation or inspection of Fish and Oil, Flour or Meal, Beef and Pork, Grain, Corn, or Sole Leather, or any other articles hereby made subject to inspection; the ninety-fourth chapter of the Revised Statutes

of New Brunswick, intituled "*Of the Inspection of Flour and Meal*;" R. S. N. B. so much of the sixty-fourth chapter of the said Revised Statutes • 94. intituled "*Of Rules and Regulations*" as relates to the • In- R. S. N. B., spection of Dry and Pickled Fish; and the Act of the le- • 64. gislature of the said Province, passed in the seventeenth year of Her Majesty's Reign, intituled "*An Act to continue the Act* 17 V., (N.B.) relating to Dry and Pickled Fish," and the Act thereby continued, c. 10. passed in the fifth year of the Reign of King William the Fourth, 5 W. IV., c. intituled "*An Act to regulate the Inspection of Dry and Pickled* 43. Fish for home consumption or for exportation;" and all other Acts or parts of Acts, or of any charter or law now in force in the Dominion of Canada, or in any Province thereof, providing for the inspection or the appointment of Inspectors of any of the articles the inspection of which is hereby provided for, or which may be in anywise contrary to or inconsistent with this Act: Provided that all offences against the Acts or provisions hereby repealed, may be prosecuted and punished, and all bonds and securities given may be enforced, and all damages sustained may be recovered as if the same were not hereby repealed; and that if, in any contract made before the coming into force of this Act, it has been stipulated that any article therein mentioned shall be subject to inspection, then, unless the contrary be clearly expressed, the intended standard of quality of such article shall be understood to be that established by the laws in force at the date of such contract, and, if the inspection is made after this Act is in force, it shall be made according to such standard.

Other inconsistent enactments.

Proviso: as to things done before the passing of this Act.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF FLOUR AND MEAL.

21. The Inspector or Deputy Inspector shall examine and inspect every barrel and half barrel of Flour and Meal, on application being made for that purpose by the proprietor or possessor thereof; and shall ascertain the qualities and condition thereof, by boring the head of each barrel or half barrel, and proving the contents to the whole depth of the cask, by an instrument (not exceeding five-eighths of an inch in diameter within its gauge or bore) for that purpose; and after inspecting such Flour or Meal, the Inspector or Deputy Inspector shall cause the hole bored in each barrel or half barrel for inspection to be plugged; and such inspection may be made either at the store or warehouse of such Inspector, or at some store within the limits of the place for which the Inspector is appointed, at the option of the owner or possessor of such Flour or Meal; and each Inspector may provide and keep, in some convenient situation in the place for which he is appointed, a proper store or warehouse for the reception and inspection of Flour and Meal.

Inspection of flour and meal.

22. Each Inspector shall provide and have a sufficient number of iron or other metal brands; and every Inspector or Deputy Inspector shall, in the inspection of Flour and Meal, observe the following rules:

Inspector's brands.

How shall
barrels be
branded.

1. He shall, immediately after inspection, brand or mark on each and every barrel or half barrel of Flour or Meal, the words "Quebec," "Montreal," "Toronto," "Halifax," "St. John," or the name of any other place where the inspection is made, and the initial of the christian name and the surname at full length of the Inspector, with the quality of the Flour or Meal, as hereinafter directed :

Sour.

2. On each and every barrel or half barrel of Flour or Meal which may on inspection be found sour, without any other damage or unmerchantable quality, he shall brand the word "Sour" in letters as large as those upon the rest of the brand or mark, in addition to the brand or mark designating the quality :

Rejected.

3. In all cases where Flour or Meal is found to be of unsound or unmerchantable quality from other causes, he shall brand the word "Rejected" at full length, and in plain legible characters, in addition to the brand or mark designating the quality :

Incorrect
brands to be
erased.

4. In all cases where the quality of the Flour or Meal inspected appears to be inferior to the brand or other mark of the manufacturer, and not to be thereby properly designated, the Inspector or Deputy Inspector shall erase and correct the same ; he shall also brand or mark on each barrel or half barrel of Flour or Meal inspected by him, the month and year in which it is inspected, with the quality of the Flour or Meal therein :

Where to be
branded.

5. All the said brands and other marks shall be branded or marked on one head of the barrel or half barrel :

Fees.

6. For such inspection and branding or marking, the person who required the inspection thereof shall pay to the inspector for each and every barrel and half barrel of Flour or Meal so inspected and branded or marked, the sum of two cents (exclusive of cooperage) before such Flour and Meal shall be removed :

Bill of inspection to be furnished.

7. As soon as any Flour or Meal is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity and quality ascertained by inspection, and the charges therefor, and the name of the mill at which the Flour is manufactured :

Penalty for
giving false
bill of inspection.

8. If any Inspector or Deputy Inspector, knowingly and willfully gives, in any Bill of Inspection, an untrue and incorrect certificate of the quantity or quality of any Flour or Meal by him inspected, or gives such Bill without a personal examination and inspection of such Flour or Meal, he shall incur a penalty of forty dollars for each offence, and be dismissed from his office and be disqualified from ever after holding the same :

Brands in case
of re-inspection.

9. Provided always, that all Flour or Meal which has been so inspected, branded or marked in one month or year, and re-inspected and examined in another, shall bear in addition the mark and brand of the year and month when last inspected :

10. Provided also that the Inspector or Deputy Inspector shall examine each and every barrel of Flour or Meal offered for inspection, and shall in no case brand or mark the same, unless the name of the manufacturer or packer, the place of packing, and the quality of the Flour or Meal, and the tare and net weight, are branded or marked legibly thereon :

Name of pack-
er to be mark-
ed on barrel.

11. The Inspector or Deputy Inspector shall note in his certificate the character of any unsoundness in the Flour or Meal to which it relates, such as "Musty,"; and when Flour has been wet, and the wet part removed by the Inspector or owner, as the case may be, the Inspector shall note in his Bill of Inspection "Cleaned;" and when the Inspector in his judgment deems it necessary to strip or empty out the Flour to find out if there is the proper weight of Flour in any cask, he shall be entitled to two cents for each barrel so stripped or emptied (if it prove to be of short weight) in addition to the two cents per barrel for inspecting and branding :

Character of
unsoundness
to be noted.

12. The Inspector or Deputy Inspector shall, if required, deliver all flour or meal taken from any barrel or half barrel with the instrument used for the purpose of inspection, to the person requiring such inspection, and shall incur a penalty of twenty dollars every time he fails in so doing.

Inspector;
to return
flour taken
out by instru-
ment, if
required.

23. The Inspector or Deputy Inspector shall govern himself as far as may be possible, by the standards of quality for each description of Flour or Meal; and shall brand or mark, within a space not exceeding fourteen inches long by eight inches broad on every barrel and half barrel of Flour or Meal inspected by him, all brands and marks required by this Act, under a penalty of ten cents for each barrel or half barrel inspected and branded, or inspected and marked, otherwise than is required by this Act.

Provisions as
to qualities
for branding.

Penalty for
contravention.

24. In branding or marking the different qualities or descriptions of Flour, the same shall be designated as follows :—

Qualities of
flour.

That of a very superior quality, by the words "Superior Extra;"

That of the second quality, by the words "Extra Superfine;"

That of the third quality, by the words "Spring Extra;"

That of the fourth quality, by the word "Superfine;"

That of the fifth quality, by the word "Fine;"

That of the sixth quality, by the words "Fine Middlings;"

That of the seventh quality, by the words "Ship Stuffs," or "Pollards."

That of another quality to be called "Strong Baker's."

And in branding or marking the different qualities of Rye Flour, Indian Meal, or Oatmeal, the words "Rye Flour," "Indian Meal," or "Oatmeal," (as the case may be), shall be plainly branded or marked on every barrel and half barrel, to designate the Grain from which the same is made;—and the qualities shall be designated as follows :—

Qualities of
Meal.

The superior quality of Rye Flour by the word "Superfine;"

The second quality, by the word "Fine;"

The Superfine qualities of Indian Meal or Oatmeal, by the word "First;"

The second quality, by the word "Second;" and

The third quality, by the word "Third."

Uniform
standards how
established.

25. And in order that there may be one uniform standard of quality for the various grades of Flour or Meal throughout the Dominion, for the government of Inspectors thereof, one or more members of each of the Boards of Examiners, for the cities of Quebec, Montreal, Toronto, Hamilton, London, Ottawa, Halifax, and St. John, N.B., shall meet together in the City of Montreal between the fifteenth day of August and the fifteenth day of October, in each year, for the purpose of choosing samples of Flour and Meal of the various grades, to be the standards by which the Inspectors of Flour and Meal throughout the Dominion shall be governed in the work of inspection; and such standards shall be chosen and approved by the said Examiners, or a majority of them present at such meeting,—notice of which shall be given by the Board of Trade of Montreal;

Transmission
of samples.

It shall be the duty of the Secretary of the Board of Trade of Montreal to send samples of such standards so chosen by the said members of the Board of Examiners at such meeting as aforesaid, to the Minister of Inland Revenue, to be by him distributed to the several Inspectors for their guidance in such manner as may be directed by the Governor in Council.

How much
barrels of flour
and meal shall
contain.

26. Every half barrel of Flour shall contain ninety-eight pounds net, and every barrel of Flour shall contain one hundred and ninety-six pounds net:

2. Every half barrel of Rye Flour shall contain ninety-eight pounds net, and every barrel of Rye Flour shall contain one hundred and ninety-six pounds net:

3. Every half barrel of Indian Meal shall contain ninety-eight pounds net, and every barrel of Indian Meal shall contain one hundred and ninety-six pounds net:

4. Every half barrel of Oatmeal shall contain one hundred and twelve pounds net, and every barrel of Oatmeal shall contain two hundred and twenty-four pounds net:

mark his
name, etc., on
barrel.

5. And it shall be the duty of the packer or manufacturer to brand, paint or mark the initials of his Christian name, and his surname at full length, and the name of his mill or place of packing, the quality and weight of the Flour or Meal therein contained, and the tare of the cask, on one end of each and every barrel or half barrel of Flour or Meal packed for sale, in a plain and distinguishable manner; and he shall incur a penalty of two cents, for each and every barrel or half barrel offered for sale or inspection,

inspection, with regard to which the requirements of this section are not complied with; such penalty to be paid to the Inspector before delivery of the Flour or Meal.

27. All Flour packed in Canada for sale, shall be packed in good and strong barrels not less in weight than twenty pounds, or half barrels of seasoned oak, elm or other hardwood timber, and made as nearly straight as may be; and the staves of such barrels shall be twenty-seven inches in length from croe to croe, and those of half barrels twenty-two inches in length from croe to croe, with heads of the same; the diameter of the heads of the barrels shall be from sixteen and a half inches to seventeen inches, and of half barrels from thirteen and a half to fourteen inches; and such barrels and half barrels shall be well seasoned and sufficiently hooped, with a lining hoop within the chimes,—the whole well secured by nails; under the penalty of two cents for each cask of Flour offered for sale or exported which shall not be one of the foregoing description of barrels or half barrels,—such penalty to be incurred by the person offering such cask for sale or exporting it.

28. The Inspector or Deputy Inspector shall ascertain by examination the weight of the Flour or Meal in every cask which he suspects not to contain the full weight required by this Act; and if it does not contain such full weight, he shall cause it to be filled up by the person requiring such Flour or Meal to be inspected, so as to contain the weight required by this Act, and he shall, when required, certify the expense thereby incurred: Inspector to verify weight.

2. And the Inspector or Deputy Inspector shall weigh such proportion of every lot of Flour or Meal offered for inspection (being not less than ten per cent. of each lot) as is necessary to verify whether the contents come up to the weight required by law; and if such lot, or any part thereof, is deficient in legal weight, then he shall make or cause the deficiency to be made good by or at the expense of the owner thereof, so that each and every barrel shall contain the weight required by law; and the Inspector or Deputy Inspector, shall, when required, certify the cost and expense thereby incurred: Proportion of lot to be so verified.

3. And every Inspector or Deputy Inspector who neglects so to examine and ascertain and weigh such Flour or Meal, and to cause the casks to be weighed as required by this section, shall, for every such neglect, incur a penalty of forty dollars, and shall be liable for all damages which the buyer or seller of such Flour or Meal suffers in consequence of such neglect. Penalty for neglect.

29. If upon the inspection of any barrel or half barrel of Flour or Meal, the Inspector or Deputy Inspector discovers any foreign substance mixed or blended therewith, or packed therein, he shall forthwith seize and detain the package, and make report thereon to any Justice of the Peace, under oath; and such Justice may, if he see fit, authorize the detention of the same in some safe place until If foreign matters are mixed with flour or meal.

Penalty and
forfeiture.

until the suit to be instituted for the penalty thereby incurred is determined: and every person wilfully and fraudulently mixing or blending any Flour or Meal by him packed for sale or exportation with any foreign matter, shall, for each such offence incur a penalty not exceeding one hundred dollars; but no prosecution, suit or action for the recovery of any such penalty, shall be commenced after the end of one month from the seizure and report so made by the Inspector or Deputy Inspector: and if such penalty be recovered the Flour or Meal in respect of which it has been incurred, shall thereupon be forfeited to and belong to the Corporation of the place.

Penalty for
undermarking
tare.

30. Every manufacturer or packer of Flour or Meal who undermarks the tare of any barrel or half barrel, or puts therein a less quantity of Flour or Meal than is branded thereon, shall incur a penalty of two cents for every barrel or half barrel so under-marked or deficient, unless such deficiency of weight appears to be occasioned by some accident unknown to such manufacturer or packer, and happening after the packing of the barrel or half barrel.

Penalty for
offering
for sale flour
deficient in
weight.

31. If any person knowingly offers for sale any barrel or half barrel of Flour or Meal upon which the tare is under-marked, or in which there is a less quantity of Flour or Meal than is branded thereon, he shall incur a penalty of one dollar for every cask so undermarked or deficient, without prejudice to the civil remedy of any party aggrieved for any damage sustained by him.

Inspector to
furnish state-
ment to Board
of Trade, &c.

32. Every Inspector shall, on Monday in every week, make out, sign, and transmit to the Secretary of the Board of Trade or Chamber of Commerce for the city, county or place for which he is appointed, or if there be no such Board, then to the Chairman of the Board of Examiners in such city or county or in the county in which such place is situated, a statement of the quantity and quality of all Flour and Meal inspected or re-inspected by him or his Deputies during the next preceding week, and of all Flour or Meal by him or them weighed during such week, and found deficient in weight, or in respect of which the tare was falsely made, stating also the brand and manufacturers' names.

Meal defined.

33. In the foregoing enactments respecting the inspection of Flour and Meal, the word "Meal" includes Oatmeal.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF WHEAT AND OTHER GRAIN.

Qualities of
Grain.

34. The grades of grain shall be as follows:—

Winter Wheat.

Winter Wheat

No. 1 *White Winter Wheat* shall be pure *White Winter Wheat*, sound, plump and well cleaned.

No.

No. 2 *White Winter Wheat* shall be pure White Winter Wheat sound and reasonably clean.

No. 1 *Red Winter Wheat* shall be Red or Red and White mixed sound, plump and well cleaned.

No. 2 *Red Winter Wheat* shall be pure Winter Wheat, Red or Red and White mixed, sound and reasonably clean.

No. 3 *Winter Wheat* shall include Winter Wheat not clean and plump enough for No. 2, and weighing not less than fifty-five pounds to the measured Winchester bushel.

Rejected Winter Wheat shall include Winter Wheat damp, musty, or from any cause so badly damaged, as to render it unfit for No. 3.

Spring Wheat.

No. 1 *Spring Wheat* shall be plump and well cleaned.

No. 2 *Spring Wheat* shall be sound, reasonably clean, and weighing not less than fifty-six pounds to the measured Winchester bushel. ^{Spring Wheat.}

No. 3 *Spring Wheat* shall be reasonably clean, not good enough for No. 2, weighing not less than fifty-four pounds to the measured Winchester bushel.

All Spring Wheat damp, musty, grown, badly bleached, or from any other cause unfit for No. 3 shall be graded as *Rejected*.

A mixture of Spring and Winter Wheat shall be called Spring Wheat, and graded according to the quality thereof.

Black Sea and *Flinty Fife Wheat* shall, in no case, be inspected as higher than No. 2.

Corn.

No. 1 *White Corn* shall be White, and in all other respects No. 1 Corn.

No. 1 *Yellow Corn* shall be Yellow, and in all other respects No. 1 Corn.

No. 1 *Corn* shall be sound, dry, plump and well cleaned, White and Yellow.

No. 2 *Corn* shall be dry, reasonably clean, but not plump enough for No. 1.

All damp, dirty, or otherwise badly damaged Corn, shall be graded as *Rejected*.

Oats.

Oats. No. 1 *Oats* shall be sound, clean and reasonably free from other grain.

No 2 *Oats* shall be sound, reasonably clean and reasonably free from other grain.

Rejected Oats shall include such as are damp, unsound, dirty or from any cause unfit for No. 2.

Rye.

Rye. No. 1 *Rye* shall be sound, plump and well cleaned.

No. 2 *Rye* shall be sound, reasonably clean and reasonably free from other grain.

All *Rye* which is damp, musty or dirty, or which is from any cause unfit for No. 2 *Rye* shall be graded as *Rejected*.

Barley.

Barley. No. 1 *Barley* shall be plump, bright, sound, clean and free from other grain.

No. 2 *Barley* shall be reasonably clean and sound, but not bright or plump enough for No 1, and reasonably free from other grain.

No 3 *Barley* shall include shrunken, or otherwise slightly damaged *Barley*, not weighing less than forty-two pounds to the measured Winchester bushel.

All *Barley* which is damp, musty or from any cause badly damaged, or largely mixed with other grain, shall be graded as *Rejected*.

Provisions respecting Grain generally.

General provisions as to Inspection of Grain.

No Grain that is warm, or is in a heating condition shall be graded.

In the inspection of Grain, the weight shall not alone determine the grade.

All Inspectors shall make their reasons for grading Grain, when necessary, fully known by notation on their books.

All wheat shall be weighed, and the weight per Winchester bushel entered on the Inspection Book.

Rates of Inspection for Grain.

	cts.	Rates for inspection.
For inspecting Grain from cars, per car	30	
For inspecting Grain on board of vessels per M. bushels	50	
For inspecting Grain from Canal vessels per M. bushels	50	
For inspecting Grain in sacks per bushel	00½	

35. As soon as any Wheat or other Grain is inspected, a Bill of Inspection (with a certificate to the shipper when required) shall be furnished by the Inspector or Deputy Inspector, without fee or reward, specifying the quantity and quality ascertained by inspection, and the charges thereon, with the name of the store, vessel, or number of the car wherein the Wheat or other Grain was when inspected. Bill of inspection to be furnished.

36. The Inspector shall, on Monday in every week, make out sign, and transmit to the Secretary of the Board of Trade or Chamber of Commerce of the city or place for which he is appointed, or if there be no such Board, then to the Chairman of the Board of Examiners in such city, or in the county in which such city or place is situate, a statement of the quantity and quality of all Wheat and other Grain inspected or re-inspected by him, or his Deputy, during the next preceding week. Inspector to make weekly statement.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BEEF AND PORK.

37. The Inspector or Deputy Inspector shall cut up, salt, pack and cure, or if already packed, shall unpack and examine throughout, adding salt if necessary, and cooping up the same according to the requirements of this Act, every barrel, half barrel, tierce or half tierce of Beef or Pork submitted to him for inspection; and such inspection may be made either at the store, shop or warehouse of the Inspector, or at some store within the limits of the city or place for which he is appointed, at the option of the owner or possessor of such Beef or Pork submitting it for inspection; and every Inspector shall provide in some convenient position, in the city or place for which he is appointed, a proper store or place for the reception and inspection of Beef and Pork. Inspection of beef and pork.

38. Each Inspector and Deputy Inspector shall provide and have a sufficient number of iron or other metal brands for his use, and in inspecting Beef or Pork, shall observe the following rules:— Inspector's brands.

1. He shall brand, immediately after inspection, on each and every barrel or half barrel, tierce or half tierce of Beef or Pork, the words "Quebec," "Montreal," "Toronto," "Halifax," "St. John, N.B.," or other name of the place for which he is appointed, as the case may be, and the initial of the Christian name and the surname at full length of the Inspector, with the quality as hereinafter directed: Brands what to show.

Soft.

2. Every barrel or half barrel, tierce or half tierce of Beef which may on inspection be found to be soft or still although it may be in all other respects fat and of good quality shall be branded with the word "Soft," in letters as large as upon the rest of the brand, in addition to the brand designating the quality :

Rejected.

3. In all cases where Beef or Pork is found to be of unsound or unmerchantable quality, from other causes than those aforesaid, shall brand the same with the word "Rejected" at full length in plain legible characters :

Incorrect marks to be erased.

4. In all cases where the Beef or Pork appears inferior to the mark of the packer, or of any former inspection, the Inspector or Deputy Inspector, shall erase and correct the same :

What shall be branded on barrels, etc.

5. He shall also brand upon each barrel or half barrel, tierce or half tierce of Beef or Pork inspected by him the month and year in which it is inspected, with the net weight and quality of the Beef or Pork therein :

Fees for inspection, &c.

6. For such inspection and branding, the Inspector shall be entitled to receive of and from the person submitting the same for inspection, for each and every barrel and half barrel, tierce or half tierce of Beef or Pork so inspected, salted, packed, pickled or branded, twenty cents for each barrel, twelve and a half cents for each half barrel, thirty cents for each tierce, and eighteen cents for each half tierce, exclusive of cooperage and repairs,—the charges for which said cooperage and repairs shall not exceed ten cents for each barrel or half barrel, tierce or half tierce ; in consideration of which charges, all barrels or half barrels, tierces and half tierces shall be delivered in good shipping order :

By whom payable.

7. Such fee or allowance shall be paid by the owner or possessor of such Beef or Pork before it shall be removed :

Bill of inspection.

8. As soon as any Beef or Pork is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector without fee or reward, specifying neatly and legibly the quantity of Beef or Pork so delivered to him, and the owner's mark or marks thereon, and the quantities and qualities ascertained by inspection, and the charges therefor :

Penalty for false certificate,

9. If any Inspector or Deputy Inspector knowingly and fraudulently gives an untrue or incorrect certificate of the quantity or quality of any Beef or Pork by him inspected, or gives a false certificate without a personal examination and inspection of the Beef or Pork, he shall thereby incur the penalty hereinbefore provided for each offence, and be dismissed from his office and be incapable of ever after holding the same :

Date of inspection not to be changed in case of re-inspection.

10. No Beef or Pork inspected and branded in one month, and re-inspected and repacked in another, shall bear any brand of the year and month than that originally affixed to it.

except that on the vessel containing any Beef or Pork re-inspected, the date of such re-inspection, with the other particulars required in case of inspection, may be branded; but no preceding inspection brand, or any part thereof, shall be effaced, except in the case hereinbefore provided for; and every re-inspection which shall be made without complying with the requirements of this section, shall be held to be an inspection made contrary to this Act, and the person making it shall thereby incur the penalty aforesaid:

11. All Pork or Beef offered for re-inspection, and which has "Old" been packed, or inspected, twelve months or more previously, shall be branded in addition to its grade of quality, by the word "Old" in large letters:

12. All the said brand marks shall be branded on one head of the barrel or half barrel, tierce or half tierce; and all such brand marks shall be large and legible; and all such marks shall be branded within a space not exceeding fourteen inches long by eight inches broad, on each of the casks inspected, under a penalty of eighty dollars for each barrel or half barrel, tierce or half tierce inspected and not branded, or otherwise branded than is required by this Act: How casks shall be branded.

13. In all cases where any Beef or Pork is sold subject to inspection, the person applying to the Inspector to have the same inspected, shall be entitled to reimbursement of the price of inspection from the vendor, if such applicant be not himself the vendor, or unless an express stipulation to the contrary was made at the time of sale, or of the agreement to submit the Beef or Pork to inspection; and any such agreement shall imply a warranty that all the requirements of this Act have been complied with, as well with regard to the Beef or Pork to which it relates, as to the vessels in which they are contained, and the marks upon such vessels. By whom fees shall be payable. Warranty by seller.

39. All beef which the Inspector finds on examination to have been killed at a proper age and to be fat and merchantable, shall be cut into pieces as nearly square as may be, not more than eight nor less than four pounds weight, and shall be sorted and divided for packing and re-packing in barrels, half-barrels, tierces and half-tierces into four different sorts, to be denominated respectively, "Mess," "Prime Mess," "Prime," and "Cargo" Beef. Qualities of beef.

2. Mess Beef shall consist of the choicest pieces only, that is to say: Briskets, the thick of the Flank, Ribs, Rumps and Sirloins of Oxen, Cows or Steers, well fattened; and each barrel or half-barrel, tierce or half-tierce containing beef of this description, shall be branded on one of the heads with the words "Mess Beef." "Mess beef."

3. Prime Mess Beef shall consist of pieces of meat of the second class, from good fat cattle, without shanks or necks; and barrels and half-barrels, tierces and half-tierces containing beef of this description, shall be branded on one of the heads thereof with the words "Prime Mess Beef." "Prime mess beef."

"Prime beef." 4. Prime Beef shall consist of choice pieces of fat cattle, and which there shall not be more than the coarse pieces of or of a carcass, the houghs and neck being cut off above the joint; and barrels and half-barrels, tierces and half-tierces containing Beef of this description, shall be branded on one of the heads thereof with the words "*Prime Beef*."

"Cargo beef." 5. Cargo Beef shall consist of the meat of fat cattle of a descriptions of three years old and upwards, with not more than half a neck and three shanks (with the houghs cut off above the first joint,) and the meat otherwise merchantable; and barrels and half-barrels, tierces and half-tierces containing such Beef shall be branded on one of the heads "*Cargo Beef*."

What barrels, etc., shall contain. 6. Each barrel in which Beef of any one of the foregoing descriptions shall be packed or re-packed, shall contain two hundred pounds of Beef, and each half-barrel one hundred pounds, and each tierce three hundred pounds, and each half-tierce one hundred and fifty pounds.

Qualities of pork. 40. All Pork which the Inspector finds on examination to be fat and merchantable, shall be cut in pieces as nearly square as may be, and not more than six nor less than four pounds in weight, and shall be sorted and divided into five different sorts, denominated respectively: "*Mess*," "*Extra Prime*," "*Prime*," "*Prime*," and "*Cargo*" Pork:

"Mess pork." 2. Mess Pork shall consist of the rib pieces only, of good quality, not weighing less than two hundred pounds each; and barrels and half-barrels, tierces and half-tierces containing such Pork shall be branded on one of the heads, "*Mess Pork*."

"Extra prime." 3. Extra Prime Pork shall consist of heavy untrimmed shoulders, cut into three or four pieces.

"Prime mess pork." 4. Prime Mess Pork shall consist of the pieces of good fat hog not weighing less than one hundred and ninety pounds each, and the barrel to contain the coarse pieces of one hog only, that is to say, two half heads (not exceeding together sixteen pounds in weight) with two shoulders and two hams and the remaining pieces of a hog,—the tierce to contain the relative proportion of two half hogs, shoulders and hams, and the remaining pieces of one hog or half hog; but when the pork under inspection is from hogs weighing less than two hundred pounds each in weight, the Inspector shall judge of the "*Mess Pork*" of such rib and side or flank pieces thereof, in the manner and of the weight above prescribed, as shall in his judgment be equal in quality on the average to Mess Pork above defined, and barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads "*Prime Mess Pork*."

"Prime pork." 5. Prime Pork shall consist of the pieces of good fat hog not weighing less than one hundred and fifty pounds each, and the barrel to contain the coarse pieces of one hog and a half only,—

to say,—three half heads, (not exceeding together twenty-four pounds in weight,) three hams and three shoulders, and the remaining pieces of a hog and a half a hog,—the tierce to contain the relative proportions of heads, shoulders and hams, and the remaining pieces of two hogs and a quarter of a hog; And each barrel or half barrel, tierce or half tierce containing Pork of this description shall be branded on one of the heads "*Prime Pork*."

6. Cargo Pork shall consist of the pieces of fat hogs, weighing "Cargo-pork." not less than one hundred pounds each,—the barrel to contain the coarse pieces of not more than two hogs, that is to say: four half heads, (not exceeding together in weight thirty pounds,) four shoulders and four hams, and the remaining pieces of two hogs, and to be otherwise merchantable Pork;—the tierce to contain the relative proportions of heads, shoulders and hams and the remaining pieces of three hogs; and barrels and half barrels, tierces and half tierces containing Pork of this description shall be branded on one of the heads, "*Cargo Pork*."

7. But in all cases the following parts shall be cut off, and not packed, namely,—the ears close to the head,—the snout above the tusks,—the legs above the knee joint,—the tail shall also be cut off, and the brains, tongue and bloody gristle taken out. What parts to be cut off in all cases.

8. Each barrel in which Pork of any of the foregoing descriptions may be packed or re-packed, shall contain two hundred pounds, and each tierce three hundred pounds,—and each half barrel or half tierce one half those quantities respectively,—of the several kinds and qualities of Pork aforesaid, and shall be branded accordingly. What weight barrels, etc., shall contain.

41. On the head of every barrel or half barrel, tierce or half tierce containing any thin, rusty, measly, tainted, sour or unmerchantable Pork, or unmerchantable or spoiled Beef, branded "*Rejected*" in consequence of its being so, the true character both as to quality and condition of such Pork or Beef shall also be marked with black paint; and each Inspector shall certify, whenever required, the quality of any Beef or Pork by him inspected, the state and condition thereof, and the packages containing the same, specifying the extent of damage appearing on inspection, and the apparent cause thereof, whether exposure, injury in transportation or originally defective packing or putting up, and also specifying the brands, or other marks, upon the casks or packages inspected, and the name of the owner or possessor thereof. Rejected beef or pork.

42. The salt used in packing and re-packing Beef and Pork inspected and branded under this Act, shall be clean St. Ubes, Isle of May, Lisbon, Turk's Island, or other coarse grained salt of equal quality; and every barrel of fresh Beef or Pork shall be well salted with seventy-five pounds, and every tierce with one hundred and twelve pounds, of good salt, as aforesaid, exclusive of a sufficient quantity of pickle as strong as salt will make it;—and to each barrel of Beef or Pork shall be added four ounces, and to each mark Quality and quantity of salt.

Salt, saltpetre
and pickle.

each tierce six ounces of saltpetre ; and each half barrel, or half tierce of fresh Beef or fresh Pork shall be salted with half the quantity of salt and saltpetre above mentioned, with a sufficient quantity of pickle ; and in all cases of packing and re-packing Beef or Pork to be inspected and branded under the authority of this Act, the Inspector may use salt, saltpetre and pickle in his discretion.

How barrels,
etc., shall be
made.

43. Every barrel and half barrel, tierce or half tierce, containing Beef or Pork inspected in the Provinces of Ontario or Quebec shall be made of good seasoned white oak staves, and the head shall not be less than three quarters of an inch thick ; and each stave on each edge at the bilge shall not be less than half an inch thick when finished for barrels, nor less than three quarters of an inch thick when finished for tierces ; and the wood of half barrel or of half tierces shall be in the same proportion to their size, and shall in all cases be free from every defect :

Hoops, etc.

2. Every barrel and half barrel, tierce or half tierce, shall be hooped and covered two-thirds of its length with good oak, ash, or hickory hoops, leaving one-third in the centre uncovered ; and each barrel or half barrel, tierce or half tierce, shall be bored in the centre of the bilge with a bit not less in diameter than one inch, for the reception of pickle :

Length, etc.,
of barrels.

3. Each barrel shall not be less than twenty-seven inches nor more than twenty-eight inches and a half long ; and the contents of each barrel in which Beef shall be packed or re-packed shall not be less than twenty-eight gallons, nor more than twenty-nine gallons, wine measure, and the contents of each barrel in which Pork shall be packed or re-packed shall not be less than thirty gallons, nor exceed thirty-one gallons, wine measure :

Length, etc.,
of tierces.

4. Each tierce shall not be less than thirty inches, nor more than thirty-one inches long ; and the contents of each tierce in which Beef shall be packed or re-packed, shall not be less than forty-four gallons, nor exceed forty-five gallons, wine measure ; and the contents of each tierce in which Pork shall be packed or re-packed shall not be less than forty-five gallons, nor exceed forty-six gallons, wine measure :

Half barrels
and half
tierces.

5. Half barrels or half tierces in which Beef or Pork shall be packed and re-packed shall severally contain half the number of gallons above mentioned, and no more :

Inspector to
examine bar-
rels, &c.

6. And the Inspector shall examine carefully and ascertain the sufficiency of each barrel and half barrel, tierce or half tierce, before branding the same, and shall brand none with regard to which the requirements of this Act have not been complied with

Furnishing of
salt and other
requisites.

44. Nothing in this Act shall prevent any Inspector of Beef and Pork, from furnishing salt, saltpetre, or barrels or half barrels, tierces or half tierces, if necessary, but it shall be optional with the proprietor or possessor of such Beef or Pork, to furnish the salt, saltpetre, barrels or half barrels, tierces or half tierces himself.

if he sees fit, whether the same be for new packing or to replace unsound old packages, or bad salt, and whether the same be at the stores of the Inspector or of such proprietor or possessor.

45. No Inspector shall suffer any Beef or Pork, if left in his charge after it has been inspected, to be exposed to the heat of the sun or inclemency of the weather longer than six days, under the penalty of forty dollars for every such offence : and every Inspector who neglects to provide a suitable store in a convenient situation, shall incur a penalty of four dollars per day for every day he has neglected to provide himself with such store after his appointment as Inspector.

Beef and pork to be protected from the weather.

46. No Inspector of Beef and Pork, shall, when he inspects any Beef or Pork, at the store hereinbefore required to be kept by him for the purpose, charge any storage thereon, unless the same shall have been left in his store more than ten days after he has delivered to the owner or possessor thereof a notice of its having been inspected, or an Inspection Bill thereof.

As to storage.

47. No person other than an Inspector or Deputy Inspector under this Act, and who has previously complied with all the requirements thereof, or the actual owner of the Beef or Pork inspected shall inspect any Beef or Pork, or brand or mark any barrel or half barrel, tierce or half tierce, or cask or vessel of any kind, containing such Beef or Pork, or give any certificate of inspection, under a penalty of forty dollars for each barrel, half barrel, tierce or half tierce, cask or vessel of Beef or Pork so inspected or branded, or with regard to which such certificate is given, to be recovered and applied in the manner provided by this Act with regard to penalties hereby imposed :

Inspection to be made only by inspector or deputy.

2. And if any owner of any Beef or Pork brands any such vessels as aforesaid containing Beef or Pork, without affixing to his surname and the initial of his Christian name, the date at which the same was branded, and the word "owner" or "owners," he shall be held to have inspected and branded the same contrary to the provisions of this Act, and shall incur the penalty aforesaid.

Penalty if packer neglect to mark date on vessels.

48. Nothing in this Act shall prevent any person from packing for exportation or from exporting any Beef or Pork without inspection, provided such Beef or Pork be packed in tierces or half tierces, barrels or half barrels of the dimensions hereinbefore prescribed for such vessels, respectively, and be marked with black paint or branded on one end thereof with the name and address of the packer, the date and place of packing, the weight and the quality of the Beef or Pork contained in each package :

Inspection not compulsory, subject to certain conditions.

2. Nor shall anything in this Act prevent any person from packing for exportation or from exporting without inspection any rounds of Beef, rounds and briskets of Beef, the meat of young pigs called Pig Pork, the tongues of neat cattle, the tongues of pigs, hams of pigs, or pig's cheeks, or any smoked or dried meat of

Rounds and briskets of beef, etc., excepted.

any description contained in tubs, casks, or barrels or other ages of any kind, provided each package be marked in the manner above mentioned :

Penalty for
contravention.

3 But every person who exports any meat of the kind mentioned, not so marked as aforesaid, or Beef or Pork of other kind not so marked or not packed in barrels or half tierces or half tierces of the dimensions hereinbefore prescribed shall thereby incur a penalty of one dollar, for each and every barrel or half barrel, tierce or half tierce, tub, cask or other age with regard to which the provisions of this section are contravened.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF POT PEARL ASHES.

Inspection of
ashes.

49. Every Inspector or Deputy Inspector, on proceeding to inspect any Pot or Pearl Ashes, shall, either by emptying the whole of the Pot or Pearl Ashes out of the barrel, or by opening both ends of the barrel, and if necessary by scraping the bottom and cakes of Ashes, carefully examine, try and inspect the same into three different sorts or qualities to be denominated *first sort*, *second sort* and *third sort*, determining the several as follows :—

Qualities of
ashes.

First sort Pot Ashes, shall contain seventy-five per cent. alkali, at the least ;

Second sort Pot Ashes, shall contain sixty-five per cent alkali, at the least ;

Third sort Pot Ashes, shall contain fifty-five per cent alkali, at the least ;

First sort Pearl Ashes, shall contain sixty-five per cent alkali, at the least ;

Second sort Pearl Ashes, shall contain fifty-five per cent alkali, at the least ;

Third sort Pearl Ashes, shall contain forty-five per cent alkali, at the least ;

Each quality shall be in all other respects, entitled to the quality designated thereon :

Ashes to be
re-packed.

2. The Inspector or Deputy Inspector shall re-pack the same into good and sufficient barrels of the size and description after specified, to be properly coopered and branded and weigh each barrel, and mark on the branded head, with the weight thereof, including tare, and the weight of the tare at the same :

3 He shall brand in plain letters and figures on each and every barrel by him inspected containing Ashes of the first quality, the words, *First sort*; of the second quality, the words, *Second sort*; and of the third quality, the words, *Third sort*, together with the words, *Pot Ash*, *Pearl Ash*, as the case may be, with his own name and that of the place where the Ashes are inspected, and the year when such inspection is made :

4. He shall also collect the crustings or scrapings of the barrels and cakes of Pot and Pearl Ashes (if any) of each separate lot, and deduct the value of the same from the inspection charges to be paid by the proprietor of such lot, or deliver them to him :

5. He shall mark the word "*unbrandable No. 1*," (2, 3, 4, or 5,) according to its strength, on every barrel which he shall discover to contain Ashes so adulterated with stone, sand, lime, salt or any other improper substance, as not to admit of their being classified as *first*, *second*, or *third* sort :

6. He shall also make and deliver a separate Weigh-Note or Bill of each quality of Ashes, whenever required so to do by the owner thereof or his agent.

50. No Pot or Pearl Ashes shall be inspected in barrels of any size or description other than the following,—Pot Ashes, in barrels to be constructed of oak or white ash timber; and Pearl Ashes, in barrels to be constructed of oak, white ash, black ash, or elm timber,—and the said timber to be of the best description, and thoroughly seasoned, and the said barrels to be made perfectly tight, and to be well and completely hooped with, at least fourteen sound oak, ash, hickory, blue beech or elm hoops, or ten good iron hoops each; the said barrel shall not exceed thirty-two inches in length by twenty-two inches in diameter on either head, nor be less than thirty inches in length by twenty inches in diameter in either head, and the chime thereof shall not exceed one inch; and the Inspectors shall reject all barrels not constructed according to the foregoing directions, or which, in their opinion, are insufficient to resist the tear, wear and usage to which they are liable: and from the gross weight of the barrel when filled up, the actual weight of such barrel, as tare, shall be deducted; and every manufacturer of Ashes shall be bound to mark, in legible characters, on the end of each barrel, before the same is filled, the exact weight thereof.

51. In any place where there is an Inspector of Ashes, except in the City of Montreal, each Inspector shall provide himself with suitable and convenient premises for the storage and inspection of Ashes; and he shall keep all barrels of Ashes delivered to him for inspection, while in his possession, in some dry place safe from the injuries of the weather or of floods, and under a tight roof; and, if in sheds, the same shall be good and sufficient and inclosed on every side: and any Inspector contravening this section shall forfeit two dollars for every barrel not stored as aforesaid, and

Branding.

Crustings and scrapings, how disposed of.

Adulterated ashes.

Weigh note or bill.

Description of barrels.

Tare. Weight of barrels to be marked on them.

Inspectors to provide warehouse.

forfeit

forfeit and pay to the owner thereof, two dollars besides the actual damages sustained by the owner.

Special provision as to the City of Montreal.

52. The Inspector (which word in this section includes the Joint Inspector) for the City of Montreal, shall provide suitable and convenient buildings for the storage and inspection of Ashes to be furnished with metal gutters and spouts, and to be covered with metal or slate, and to be of that description of building commonly known as first class, or such as shall be approved of by the Council of the Board of Trade for that city :

Ashes to be insured.

2. Such Inspector at all times, and at his own cost and charge shall keep the Ashes stored in the said premises, insured to an amount of not less than one hundred thousand dollars,—and shall deposit the policies therefor with the Secretary of the said Board of Trade for the time being, and renew such policies from time to time, as occasion requires ; but such insurance shall not be effected until after the name of the company or companies with whom he is desirous of effecting the same has been submitted to the Council of the said Board of Trade of the said city for their approval, and such approval has been signified to the Inspector in writing :

Further provisions as to insurance.

3. And should the said insurance, at any time, be less than the actual value of the Ashes stored in the said premises, the said Inspector shall, at his like cost and charges, and subject to the conditions above prescribed, effect additional insurance sufficient to cover the extra value of the said Ashes during the time they may remain so stored as aforesaid ; and the said Inspector shall be bound to deliver to the owner thereof, in good order, all Ashes received into the Inspection stores.

Fees for inspection, &c.

53. For all the services to be performed, as aforesaid, each Inspector may charge on the Inspection Bill as aforesaid :

The sum of eight cents for every hundred pounds of Pot or Pearl Ashes by him so inspected ;

The actual cost of every barrel by him furnished ;

The sum of twenty cents, for each new head so furnished ; and the sum of fifteen cents, as and for cooperage and repairs on each barrel of Pot or Pearl Ashes by him so inspected,—the said cooperage to include nails and the end hoops of the barrel ;

The sum of twenty-five cents, for putting in a barrel, partly filled with Pot or Pearl Ashes, the additional quantity thereof necessary to fill the same whenever duly required so to do ;

The sum of twenty-five cents per barrel in all cases where lime raw Ashes, damaged Ashes, or other trash have been packed or mixed with Pot or Pearl Ashes, for his services in extracting and separating the same,—

In consideration of which charges all barrels shall be delivered in good shipping order, and the charges shall be paid or allowed to the purchaser by the person offering such Pot or Pearl Ashes for inspection, or his agent. How paid.

54. Each Inspector shall have all Ashes sent to him for inspection inspected, and the Inspection Bills prepared for delivery, and the whole well and duly coopered and prepared for shipment, within a period not exceeding thirty-six working hours from the date such Ashes are received into the Inspection Stores : and such Inspector shall further be entitled to receive eight cents per barrel, for the storage of each barrel of Ashes which remains stored with him as aforesaid more than ten days after the date of the Invoice, Weigh-Note, or Inspection Bill, and five cents per barrel for each subsequent month they shall remain stored (reckoning the second month to commence forty days from and after the date of the Invoice, Weigh-Note, or Inspection Bill), and such storage and all other charges shall be paid by the person or persons receiving or shipping the said Ashes or by his or their agent ; but in no case shall any storage be paid or required when the Ashes shall not have remained stored as aforesaid during ten days from and after the date of the Invoice or Weigh-Note. Time for inspection.
Storage.
Proviso.

55. The Inspector of Ashes for the City of Montreal shall further be entitled to charge a sum not exceeding two and a half cents per barrel, as and for insurance, on each barrel of Pot or Pearl Ashes sent to his premises for inspection ; and such insurance shall be considered as chargeable from the day such barrel is received into the said premises ; and the said Ashes shall be held to be insured from the period of such reception ; but such rate shall cover all insurance on the said Ashes during the whole period they may remain stored in the said premises ; and the said insurance shall be charged by the Inspector in the Inspection Bill. Fees for insurance in Montreal.

56. The said Inspector for the City of Montreal shall, from time to time, make returns of the business of his office to the Council of the Board of Trade of the said City of Montreal, whenever duly required so to do by the said Council. Inspector for Montreal to make return to Board of Trade.

57. Every Inspector or Deputy Inspector, who, during his continuance in office, permits any cooper or other person by him employed, to retain or keep any Pot or Pearl Ashes ; or who brands any barrel of Ashes of any description or size other than is prescribed by this Act ; or who dates any Weigh-Note or Bill of Inspection otherwise than of the day when the Ashes were actually inspected ; or who delivers out of his possession any such Weigh-Note or Bill of Inspection without any date ; or who does not conform to the provisions of this Act, shall,—for every such offence, incur a penalty not exceeding four hundred dollars, and be for ever thereafter disqualified from holding and exercising the office of Inspector of Pot and Pearl Ashes, or of Deputy Inspector : and any Inspector or Deputy Inspector or clerk, or other person, who makes or causes to be made any false or fraudulent Bill of Ashes, Offences and penalties.
False Bill of inspection.

Ashes, shall be guilty of felony, and shall be punishable by imprisonment in the Penitentiary for any term not exceeding seven years and not less than two years, or in any other gaol or place of confinement for any term less than two years.

Inspection not compulsory subject to certain conditions.

Penalty.

58. Nothing in this Act shall prevent any person from exporting Pot and Pearl Ashes, without inspection, provided that on one end of the barrel, containing the same, there be neatly and legibly branded or marked, the name and address of the manufacturer, the weight and tare of the barrel, and the quality of Ashes contained in it; but any person who exports any Pot or Pearl Ashes not so marked as aforesaid, or wilfully marks any such barrel falsely, shall thereby incur a penalty of twenty dollars.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF PICKLED FISH AND FISH OILS.

Inspector to provide branding irons.

59. Every Inspector shall provide himself with proper branding irons, for the purpose of branding such casks, barrels and boxes as may by him be inspected pursuant to this Act; and it shall be the duty of each Inspector to know that all his Deputies are duly provided in this respect.

Inspecting, &c., to be done in presence of Inspector.

60. The inspecting, culling, classing, weighing, packing and branding of any fish or oil shall be done in the immediate presence and sight of an Inspector or Deputy Inspector.

Duty of Inspector.

61. It shall be the duty of the Inspector or Deputy Inspector to see that all kinds of split, whole, pickled or salted fish, intended for packing or barrelling, and submitted to him for inspection, have been well struck with pickle and salt, in the first instance, and preserved sweet, free from taint, rust, saltburn, oil or damage of any kind: and all fish or oil intended for market or exportation, and branded as inspected and merchantable, shall be well and properly packed, in good, tight and substantial packages or casks, which shall be made of the materials and in the manner following:—

Tierces, barrels, etc., how to be made.

Tierces, barrels and half-barrels shall be made of sound, well seasoned split or sawed staves, free from sap, and in no case to be of hemlock, and the heading shall be of hardwood, pine or spruce free from sap, and planed on the outside, and shall be at least three quarters of an inch in thickness. The staves shall be five-eighths of an inch in thickness. Staves for salmon and mackerel barrels shall be twenty-eight inches in length, and the heads between the chimes seventeen inches. Staves for barrels for herring shall be twenty-seven inches in length, and the heads between the chimes shall be sixteen inches. All casks shall be hooped one third of their whole length from each chime, with sound, good hoops of not less than one inch in width at the large end for all tierces and barrels, and in no case to be of alder. The makers of all tierces, barrels and half-barrels, shall brand the initials of their Christian names and their whole surnames at or near the bung staves, under a penalty of twenty cents for every package not so branded.

62. The inspection of all pickled fish cured for market or exportation, and of all fish oils, codfish tongues or codfish sounds cured for such purpose, and contained in any such packages as are hereinafter mentioned, shall be compulsory in every Province of the Dominion, except Manitoba and British Columbia, at any place where an Inspector is appointed by law; and if any such pickled fish, fish oil, or other article aforesaid, in any such package as aforesaid is sold, or offered for sale, or exported, or shipped, or laden in any vehicle for exportation, or otherwise offered to be exported in or from any Province of Canada, except British Columbia or Manitoba, without being inspected under this Act it shall be forfeited; and the person so selling or offering it for sale, or exporting it or offering it for exportation shall incur a penalty of five dollars for each such package.

In what cases inspection shall be compulsory.

63. All pickled fish cured for market or exportation, and all fish oils, codfish tongues and codfish sounds, shall be inspected, weighed, or gauged and branded, only in accordance with this Act; and all green codfish, in boxes or packages, shall be inspected and culled; and a certificate of inspection for the latter, stating the quality and quantity thereof so inspected, and shipped on board any vessel, shall be granted by any Inspector or Deputy Inspector.

Inspection, &c., to be in accordance with this Act.

64. The various kinds of fish to be inspected under this Act shall be branded of the following denominations, respectively:—

Qualities of fish.

1. SALMON to be branded "No. 1" shall consist of the largest or best and choicest kind, being well split, the blood being well washed out before being salted, well cured, in the best condition, and in every respect free from taint, rust or damage of any kind:

Salmon.

Those to be branded "No. 2" shall comprehend the best salmon that remain after the selection of the first quality, and shall be good, sound, well split and cured fish, in the best condition, and in every respect free from taint, rust or damage of any kind:

Those to be branded "No. 3" shall consist of those that remain after the selection of the first two qualities, but must be good sound fish, and in every respect free from taint, rust or damage of any kind.

2. MACKEREL to be branded "Mess Mackerel," shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint or rust or damage of any kind, and shall be such as would have measured not less than fourteen inches from the extremity of the head to the crotch or fork of the tail, and shall have the heads and tails taken off:

Mackerel.

Those to be branded "Extra No. 1," shall consist of the best and fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition,

condition, and free from taint or rust or damage of any kind, and shall measure not less than fourteen inches from the extremity of the head to the crotch or fork of the tail :

Those to be branded "No. 1" shall consist of the best fattest mackerel, being well split, having the blood well washed out before being salted, well cured, in the best condition, and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail :

Those to be branded "No. 2" shall comprehend the best mackerel that remain after the selection of the "Extra No. 1" and of "No. 1" qualities, and shall be properly split and washed, well cured, and in every respect free from taint, rust or damage of any kind, and shall measure not less than eleven inches from the extremity of the head to the crotch of the tail :

Those to be branded "Large No. 3" shall consist of good sound mackerel, properly washed, well cured and free from taint, rust or damage of any kind, and shall measure not less than thirteen inches from the extremity of the head to the crotch or fork of the tail :

Those to be branded "No. 3" shall consist of good sound mackerel, properly washed, well cured, and free from taint, rust or damage of any kind, and shall measure eleven inches and upwards from the extremity of the head to the crotch of the tail :

All mackerel under eleven inches in length, of good, sound quality, and free from taint and rust, or damage of any kind, shall be branded with the word "Small Spring" or "Small Fish" in the place of a number :

All short, sunburnt or rigged mackerel, of whatever class, and not otherwise defective, shall be branded "No. 4."

Herring, Gas-
pereaux and
Alewives.

3. HERRINGS, GASPEREAUX and ALEWIVES to be branded "No. 1" shall consist of the largest and best fish :

And those to be branded "No. 2" shall comprehend the best herrings that remain after the selection of the first quality :

All undersized herrings to be branded "No. 3," with the word "Small" in addition to the other brands :

All ripped herrings shall be branded with the word "split," in addition to other brands :

All gibbed herring shall be branded with the word "gibbed," in addition to other brands :

All herrings that are not gibbed or ripped shall be branded with the word "round," in addition to other brands :

All spring-caught herrings shall be branded with the word "spring," in addition to other brands:

The above shall be well cleansed and cured, and in every respect free from rust, taint or damage.

4. Smoked herrings to be branded "No. 1" shall comprehend the best and fattest fish; and those to be branded "No. 2" shall consist of the poorer, smaller and inferior fish. Both of these qualities shall be well smoked, free from taint, and not burnt or scorched; and no red or smoked herrings shall be so branded unless they be well and sufficiently saved and cured, and carefully packed in good and substantial barrels, or half-barrels; and if in kegs or boxes, the same shall be of well-seasoned boards, the sides, top and bottom, of not less than half an inch in thickness, and the ends at least three quarters of an inch thick; and the inside measurement of each box shall be eighteen inches long, and nine inches broad and eight inches deep, well nailed, and the tops or covers smoothed. Smoked herrings.

Tainted, burnt, scorched and badly smoked herrings, shall be considered "refuse," and may be branded as such without any other character. Tainted herrings.

5. SEA TROUT to be branded "No. 1" shall consist of the largest, best and fattest kind, being well split, and in every respect free from taint, rust or damage of any kind: Sea trout.

Those to be branded "No. 2" shall comprehend the best trout that remain after the selection of the first quality, and shall be good sound fish, free from taint, rust or damage of any kind.

6. LAKE and SALMON TROUT to be branded "No. 1 Lake" shall consist of the largest and fattest fish, and be free from taint, rust or damage: Lake and salmon trout.

Those to be branded "No. 2 Lake" to be the next best fish, free from taint, rust or damage.

7. WHITE-FISH to be branded "No. 1" shall consist of the largest and fattest kind, cured in good condition, and be in every respect free from taint, rust or damage: White fish.

"No. 2" shall consist of those that remain after the selection of the first quality, and be free from taint, rust or damage.

8. GREEN CODFISH in barrels, with or without pickle, to be classed "No. 1," shall consist of the best and fattest, being well split and cleansed, well cured, in first-rate condition, and in every respect free from taint, salt-burn, rust or damage of any kind, and shall measure at least fifteen inches to the crotch of the tail: Green codfish in barrels.

Those remaining, after selection of first quality to class "No. 2," shall be sound, well-cured fish, and free from taint, salt-burn, rust or damage of any kind.

Other fish.

9. **ALL OTHER KINDS OF FISH** not enumerated herein, and belonging to denominations specified by this Act, such as ling, hake, haddock, pollock, catfish, halibut, shad, bass, eels, codfish tongues and codfish sounds, in casks or barrels, shall be branded as such, and must be sound and well cured, free from taint, salt-burn, rust or damage of any kind.

Small fish.

10. **SMALL FISH**, which are usually packed whole, with dry salt or pickle, shall be put into good casks, of the size and materials required by this Act for the packing of split, pickled fish, and shall be packed close, edgewise in the cask, and properly salted with good, coarse, wholesome, dry salt; and the casks shall be filled full with the fish and salt, and no more salt shall be put with the fish than is necessary for their preservation; and the casks containing such whole fish shall be branded with the denomination of the fish, and a like designation as is prescribed by this Act in respect of the qualities, &c., of other pickled fish.

Rusty and sour fish.

11. **ALL RUSTY OR SOUR FISH**, of whatever kind or class, shall be branded with the word "rusty" or "sour," in addition to the other brands.

Fish which shall not pass inspection.

12. No foul or tainted fish, or fish mutilated for the purpose of concealing marks and appearance of illegal capture, or unsizeable, shall pass inspection; and it shall be the duty of every Inspector or Deputy Inspector to seize, and any magistrate may confiscate to Her Majesty all fish found or exposed for sale having been killed or captured during prohibited seasons or by unlawful means, and all fish at any time offered for sale or barter, or attempted to be exported, whilst in unwholesome condition.

Fish in bulk.

13. Fish known as pickled fish, that may be cured in bulk, and not inspected and certified as aforesaid, and afterwards packed in barrels, shall be branded with the word "bulk," in addition to other brands.

Packing of fish.

14. Each cask or package of fish shall contain fish of the same kind, or parts of the same kind and quality, properly packed in separate layers, and on every layer of fish so packed in the cask, a sufficient quantity of good, clean, suitable salt, free from lime, shall be regularly placed, and in like proportion for other packages, at the discretion of an Inspector, or Deputy Inspector; and after the cask shall have been properly packed and headed it shall be filled with clean pickle, strong enough to float a fish of the kind so packed.

Sound and unsound fish to be separated.

15. Should it appear to any Inspector, or Deputy Inspector, that a portion of the fish inspected by him is sound, and another portion unsound, he shall separate the sound from the unsound, re-pack the sound fish, and brand the same according to its quality; and such portion as the Inspector judges incapable of preservation he shall condemn as bad, and mark "refuse," in addition to other marks.

16. If any casualty renders it necessary to re-pack inspected fish it shall in all cases be done by and in the presence of an Inspector or Deputy Inspector; and any other person attempting to re-pack or brand the same shall be liable to a penalty of not more than twenty dollars for every such offence.

Re-packing of
be in presence
of Inspector.

17. When any fish branded by a Deputy Inspector, proves unequal in quantity or quality to that which may be indicated by the brand, or deficient in any way of the requisites prescribed by this Act, the Inspector may cause the same to be re-inspected; and if it appear that the defect arose from the condition of the fish, or the bad quality of the cask, or the bad packing or pickling of the fish at the time of the inspection, he may recover the cost and charges of such re-inspection from the Deputy who branded the same.

Inspector may
correct packing
&c., of Deputy
Inspector.

18. Pickled fish, duly inspected, packed and branded, and oils, inspected and branded under this Act, at any place in the Provinces of Nova Scotia, New Brunswick, Quebec, Ontario, or British Columbia, shall not be subject to re-inspection within the Dominion, except only in cases already provided for in this Act.

Inspected fish
not to be
re-inspected.

19. Each tierce shall be three hundred pounds, and each half tierce one hundred and fifty pounds; each barrel shall be two hundred pounds, and each half barrel one hundred pounds; each quintal shall be one hundred pounds; each draft shall mean two hundred pounds; and each box of herrings shall contain twenty-five pounds. In each of the above instances the weight shall be clear avoirdupois, exclusive of salt and pickle.

Contents of
tierce, etc.

20. There shall be branded on the head or butt of each cask of pickled or dry-salted fish, in plain, legible letters, after the same has been inspected, culled, classed, weighed and packed, in accordance with this Act, the description of the fish, the weight and quality contained in the package, the initials of the Christian name or names and the whole surname of the Inspector or Deputy Inspector by whom the fish was inspected, and the name of the place where he acts as Inspector, and the month and the year of inspection.

Brands on
packages of
fish.

21. The Boards of Examiners of Inspectors of fish and fish oils, shall fix and have in charge the standard for fish oils in Nova Scotia, New Brunswick, Quebec and Ontario, respectively; and the same shall be classified and branded according to such standards, as follows:—

Standards of
fish oils, how
fixed and
kept.

1. WHALE OIL shall be free from adulteration of every kind, and shall be branded as such, with the class according to quality appointed by standard: if No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown."

W hale oil.

2. SEAL OIL shall be free from adulteration of every kind, and shall be branded as such, with the quality per standard: if No. 1, "Straw;" if No. 2, "Brown;" if No. 3, "Dark."

Seal oil.

"Strictly Pale;" if No. 2, "Pale;" if No. 3, "Straw;" if No. 4, "Brown;" if No. 5, "Dark Brown."

Porpoise oil. 3. PORPOISE OIL shall be free from adulteration of every kind and shall be branded as such, with the quality per standard No. 1, "Pale;" if No. 2, "Straw;" if No. 3, "Brown."

Cod oil. 4. COD OIL shall be free from adulteration, and be branded as such.

Other fish oils. 5. HERRING OIL and all other fish oils shall be branded as such.

Duties of Inspectors. 6. An Inspector or Deputy Inspector shall determine the quality of each cask, and the contents thereof and shall mark the same on the cask; and the barrels shall be in good order and condition, strong and staunch, and if any cask or casks be found to contain water or other adulteration, such shall be drawn off by the Inspector or Deputy Inspector.

Brands. 7. Casks containing fish oils shall be branded with such quality as the month and the year when inspected, the initials of the Canadian name or names, and the entire surname of the Inspector or Deputy Inspector, also the place of inspection, and the words "Nova Scotia," "New Brunswick," "Quebec," "Ontario" or "British Columbia" (as the case may be);

Definition of fish oils. 8. The designation, "Fish Oils," in this Act, shall include whale, seal, porpoise, cod, herring, sturgeon, siskawitz, and all other kinds of oils derived from fishes and marine animals.

Fees for inspection. 66. Every Inspector or Deputy Inspector who shall inspect and brand any cask or package of pickled fish or in bulk, or any fish or fish oil in accordance with the provisions of this Act, shall be entitled to fees at the following rates, which shall be paid by the original owner or the person who employed him in the first instance:—

1. For each tierce of salmon, salmon-trout or sea-trout fish, five cents.

2. For each half-tierce of salmon, salmon-trout or sea-trout fish, ten cents.

3. For each barrel of salmon, salmon-trout or sea-trout fish, ten cents.

4. For each half-barrel of salmon, salmon-trout or sea-trout fish, ten cents.

5. For each barrel of mackerel, ten cents.

6. For each half-barrel of mackerel, seven cents.

7. For each barrel of herring, five cents.

8. For each half-barrel of herring, three cents.

9. For each barrel of shad, ten cents.

10. For each half-barrel of shad, seven cents.

11. For each barrel of whitefish, ten cents.
12. For each half-barrel of whitefish, seven cents.
13. For each barrel of pickled cod-fish, hake, haddock or catfish, five cents.
14. For each half-barrel of ditto, three cents.
15. For each barrel of dry-salted codfish, hake, haddock, catfish, ling or pollock, five cents.
16. For each half-barrel of ditto, three cents.
17. For each barrel of bass, ten cents.
18. For each half-barrel of bass, seven cents.
19. For each barrel of cod tongues, cod sounds, halibut or eels, ten cents.
20. For each half-barrel of ditto, seven cents.
21. For inspecting, gauging and branding each puncheon of oil twenty cents.
22. For inspecting, gauging and branding each hogshead of oil, twenty cents.
23. For inspecting, gauging and branding each tierce of oil, ten cents.
24. For inspecting, gauging and branding each barrel of oil ten cents.
25. The foregoing rates shall be reckoned exclusive of salt, pickle, cooperage, storage, and labour employed in washing, rinsing, cleaning, nailing, screwing or re-packing and pickling any fish :

Rates to be exclusive of salt, etc.

Provided always, that any person causing his fish or oil to be inspected, may employ, at his cost and charges, a cooper to attend upon and assist the Inspector or Deputy Inspector in the performance of his duty, in which case the Inspector or Deputy Inspector shall not be allowed any charge for cooperage ; and the cooper so employed shall be governed and guided solely by the directions which he receives from the Inspector or Deputy Inspector with respect to any fish or oil by him inspected, and not by any other person whomsoever.

Proviso : owner may employ his own cooper, to act under the Inspector.

67. Fish and fish oil may be inspected either at the place where they are packed or manufactured, or at the place of sale within the Dominion.

Where inspection shall be effected.

68. When fish are not inspected at the place of packing, the packer's name and the quality of the fish must be marked in paint, on each barrel, half-barrel or package ; and when they are inspected at the place of sale, the Inspector shall empty out ten packages in each hundred, of any lot submitted to him for inspection, and such inspection of ten packages out of every hundred, shall regulate the grade of the fish so submitted for inspection.

When not inspected at place of packing. And when at place of sale.

Bill of inspection.

69. So soon as any fish is inspected, a Bill of Inspection shall be furnished by the Inspector or Deputy Inspector, specifying the quality as ascertained by inspection, and whether each package contains the weight prescribed by this Act, with the name of the packer, and of the Inspector at the place of packing.

As to fish landed from U. S. vessels for re-shipment there. Proviso.

70. This Act shall not apply to fish landed at any port of the Dominion from United States fishing vessels for the purpose of re-shipment to the United States, unless the owners of such fish wish them to be inspected: Provided always that such fish if so re-shipped without being inspected, shall not be branded.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF BUTTER.

Inspection of butter.

71. No Inspector or Deputy Inspector of Butter shall brand mark or certify any butter as inspected, unless it is packed in the manner hereinafter required; but any butter not so packed, submitted for inspection, shall, by the Inspector or Deputy Inspector to whom it is submitted be re-packed in the manner hereby required, and the Inspector or Deputy Inspector shall receive the actual cost of such new packages as may be required for such repacking, and the further sum of five cents for each firkin or keg of butter so repacked as compensation for his time and labor:

Re-packing.

How butter shall be packed.

2. All butter branded, marked or certified as inspected shall be packed in firkins or kegs, made of the best seasoned wood and each bound with sufficient hoops, and being of the following sizes and dimensions, that is to say,—the firkin to contain as nearly as possible fifty-six pounds of butter; the length of the staves from croe to croe, to be fourteen inches and a half, the diameter of the head to be eleven inches and a half, the thickness of the staves to be, as nearly as may be, three-quarters of an inch, and the thickness of the head as near as may be, half an inch, the package to weigh, as nearly as possible, but in no case to exceed ten pounds when dry; the keg to contain, as nearly as possible, eighty-four pounds of butter, the length of the stave, from croe to croe, to be seventeen inches, the diameter of the head to be thirteen inches, the thickness of the staves to be as nearly as may be, three-quarters of an inch, and of the head, as nearly as may be, half an inch, and the package to weigh, as nearly as possible, but in no case to exceed thirteen pounds when dry;—and the weight of each package shall be branded on the outside of the firkin or keg, at the centre of the stave or bilge, with the name of the maker thereof, under a penalty of one dollar per package, upon any cooper contravening the requirements of this Act, as aforesaid;

Weight to be marked.

Penalty for contravention.

Exception.

3. But nothing herein contained shall apply to any packages other than those containing butter submitted for inspection.

Mode of inspection.

72. In inspecting butter, the Inspector or Deputy Inspector shall take out the head of each firkin or keg, and shall pass the taster through the butter, from end to end, and shall empty out

and throw aside all salt or pickle which, in his judgment, is not necessary to the preservation of the butter, and after he has ascertained the quality of the butter; he shall replace so much thereof as he has taken out, and if there is in his judgment a deficiency of loose salt, so that he thinks the preservation and condition of the butter would be promoted by an additional quantity of salt, he shall add such quantity :

2. He shall then have the package securely headed and coopered, and shall inscribe or brand on the head of the package the gross weight thereof in pounds avoirdupois, excluding fractional parts of a pound, and the tare, which shall include one pound weight for each firkin, and two pounds weight for each keg, for soakage over and above the cooper's tare; and he shall then brand on the head his own name, the month, year and place of inspection, and the quality of the butter as "first," "second," "third," or "fourth," or as "grease," according to the quality of the butter, and adopting the standard of quality and system of classification in use in that portion of the United Kingdom called Ireland; first, removing all such marks (the distinguishing mark of the owner of the butter excepted) on the package as would interfere with the brands or marks of the Inspector.

Coopering and
branding.

Quality and
standard.

73. Each Inspector shall provide himself and his Deputy with suitable and convenient premises for the storage and inspection of butter; and shall keep all packages of butter delivered to him for inspection, while they remain in his possession, in some place safe from the injuries of the weather or of floods, and under tight roof; and any Inspector or Deputy Inspector contravening this provision, shall forfeit and pay to the owner the sum of one dollar, for every package not stored as aforesaid, besides the actual damages sustained by such owner.

Fit premises
to be pro-
vided.

74. For all the services to be performed as aforesaid, including unheading, weighing, salting, heading, tightening hoops, marking and branding, and ten days' storage, each Inspector shall be entitled to receive ten cents for every package of butter by him inspected as aforesaid,—and if re-inspected, seven cents,—together with the actual cost or charge of any package by him furnished, or for extra cooperage or repairs done to packages containing butter by him inspected, and no more; the charge for which extra cooperage and repairs shall not in any case exceed five cents per package; in consideration of which all packages shall be delivered in good shipping order; and such charges shall be paid by the person offering such butter for inspection, or his agent :

Fees for
inspection and
services.

2. Each Inspector shall further be entitled to receive two and a half cents per month, per firkin, and two cents and a third of a cent per keg, per month, for the storage of each package of butter, which remains stored with him as aforesaid more than ten days after the date of the invoice, weigh note and inspection bill, and such storage shall be paid by the person receiving or shipping the said butter, or his agent; but in no case shall any storage be paid

Storage.

or required when the butter has not remained stored as aforesaid during ten days from the date of the Inspection Bill :

Charges when payable.

3. All the charges of inspection and storage shall be payable before the butter is re-delivered by the Inspector ; and the Inspector shall furnish a Bill of Inspection signed by him, specifying neatly and legibly the quantity and quality of butter, the charges thereon, and the owner's name.

How far and in what cases inspection shall be compulsory.

75. The inspection of butter offered for sale or exportation in packages containing fifty pounds weight of butter or more, in any city, town or village where an Inspector is appointed by law, be compulsory ; and any such package offered for sale or exportation, or exported or shipped or laden in any vehicle for exportation or otherwise offered to be exported without being inspected under this Act, shall be forfeited, and the person selling or offering it for sale, or exporting it or offering it for exportation shall incur a penalty of two dollars for each such package.

Penalty of contravention.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF RAW HIDES AND LEATHER.

Inspection of leather.

76. Every Inspector or Deputy Inspector may examine and inspect any raw hides or leather on application being made to him for that purpose by the proprietor or possessor thereof, and ascertain the respective weights, qualities and conditions thereof.

Where inspection shall be made.

77. Such inspection shall be made either at the store or warehouse of such Inspector, which he is hereby required to keep in a convenient situation for that purpose in the city, town or village for which he is appointed Inspector, or if he thinks fit at the store or warehouse of the owner thereof : no charge for storage shall be made until twenty-four hours after such inspection ; all trouble and expense attendant upon the loading, unloading and moving such raw hides or leather shall be borne and paid by the party at whose request the same was inspected.

Mode of inspection.

78. Every Inspector or Deputy Inspector shall mark or stamp on each hide the net weight of such hide ; and such hides shall be inspected without the horns, muzzles, snouts or hoofs, and the Inspector, if he is required to do so, shall give a certificate of the weight of such hide, without any charge for such certificate.

Powers of Inspector in respect of weight.

79. Every Inspector or Deputy Inspector shall subtract from the weight of each raw hide all dirt and parts injured by cuts, and any other thing which ought not to be computed in the weight of the hides, and may add to such weight all that the hides may have lost by drying,—the whole at his discretion ; he shall also classify them as number one, two or damaged, as the case may be.

Fees.

80. Every Inspector shall be entitled for the inspection of raw hides to a fee of five cents for each hide in lots under one hundred

in number, and four cents for each hide in lots over one hundred in number.

81. The Inspector or Deputy Inspector may inspect harness leather and certify the weight thereof; but he shall not be liable in damages on account of any deficiency or excess in the weight of any such harness leather, unless such deficiency or excess amounts to more than five per cent. of the whole weight of the leather. Harness leather.

82. The Inspector or Deputy Inspector may also inspect leather known as red leather or moccasin leather, and certify to its weight, quality and condition. Red or moccasin leather.

83. The Inspector or Deputy Inspector may inspect and measure all kinds of leather which are sold by the foot, and shall be entitled to charge two cents for each side or piece of such leather inspected and measured by him. Leather sold by the foot.

84. Any person, except the Inspector or Deputy Inspector, who shall stamp or number any of the raw hides or leather above mentioned, and shall expose them for sale, shall be liable to a fine not exceeding twenty dollars; but he shall be at liberty to mark on the said raw hides or leather in ordinary and legible figures the weights of the said raw hides or leather, and in such cases the words "Not Inspected" shall be marked above the said figures, in letters of the same dimensions and as legible as the said figures; and any person who shall expose for sale any raw hides or leather, the weights of which shall be so marked without the words "Not Inspected" as above prescribed, shall be liable to a fine not exceeding twenty dollars. None but Inspector to stamp leather, &c. Exception.

85. Each Inspector or Deputy Inspector shall provide and have a sufficient number of brands, stamps, or marking instruments, wherewith he shall brand, stamp or mark, or cause to be branded stamped or marked, immediately after inspection, on both sides of each hide or piece of leather, the initials of the name of the Inspector. Inspector to provide brands and stamps.

86. All brand or stamp marks shall be neat and legible, and shall be made at one end of the hide or piece of leather, within a space not less than two inches long by one and one half inch broad. How leather shall be branded or stamped.

87. Sole leather so inspected shall be divided as to quality, into three classes; to be known as number one, number two, and number three; number one representing the first or best quality, number two representing the second quality, number three representing the damaged and rejected articles: Qualities of sole leather.

And such leather as is ordinarily distinguished among dealers, by its comparative weight, shall also be divided into three classes, to be known as heavy, middling, and light weight; every piece And of other leather.

or side of leather under fourteen pounds weight shall be considered light; every piece or side of leather of fourteen pound weight and under twenty pounds weight shall be considered middling, and every piece or side of leather of twenty pound weight and over shall be considered heavy or over weight:

As to liability
for deficiency,
limited.

The Inspector or Deputy Inspector shall not be liable in damages on account of any deficiency or excess in the weight of any such leather, unless such deficiency or excess amounts to more than five per cent of the whole weight of the leather.

Moccasin and
harness leather.

88. Red leather or moccasin leather and harness leather shall after inspection, be marked or branded, respectively, with the figures 1, 2, according to the quality thereof.

Brands or
marks described.
Forms of.

89. The brand or mark may be fixed or attached to the raw hide or leather, by stamping, or by any other process that may render such brand or mark indelible; each brand or stamp shall have the initials of the city or town where inspection is made, and the initials of the Inspector's name, and the weight of the raw hide or leather, as also the figure denoting the quality; and may be in the form following:—

1.	112 lbs.
T.,	J. B., I.

2.	90 lbs.
T.,	J. B., I.

The figure 1, representing the first quality, 112 lbs., the weight, T., Toronto, J. B., I., initials of Inspector's name and office.

The figure 2, designating second quality.

3.	60 lbs.
T.,	J. B., I.

The figure 3 designating a damaged or rejected article.

Inspector to
keep books.

90. Every Inspector of Raw Hides and Leather shall keep a proper book or books which shall be open to public inspection, in which he shall, from time to time, enter a statement or account of all green, raw and salted Hides and Leather inspected by him or any of his Deputy Inspectors, shewing the respective weight, quality, and condition thereof, how the same have been classified by him, for whom they have been inspected, and the amount paid for such inspection.

Inspector to
make returns.

91. Every such Inspector shall twice in each year, and not later than the tenth day of January and the tenth day of July

make a return to the Board of Trade of the city or town in respect to which he has been appointed, of the particulars mentioned in the next preceding section.

92. Every Inspector who neglects or refuses to keep such a book as mentioned in the ninetieth section of this Act, or to make the entries required to be made therein, or who neglects or refuses to make returns required by section ninety-one of this Act, shall incur a penalty not exceeding eighty dollars for each offence, and be liable to be dismissed from his office, and be disqualified from ever after holding the same. Penalty for neglect to keep books, etc.

SPECIAL PROVISIONS RESPECTING THE INSPECTION OF REFINED PETROLEUM.

93. Inspectors of Refined Petroleum under this Act, shall be known as "Trade Inspectors." They shall provide themselves with all necessary gauging instruments, stencil plates, brands, stamps, pyrometers and other instruments, chemicals and appliances, requisite for the performance of their duties in a proper manner. Trade Inspectors of petroleum.

94. Every such Trade Inspector shall keep a book or books, which shall be open to the public during all reasonable office hours, wherein he shall record, in a distinct manner, the full particulars of every inspection made by him, shewing:— Books to be kept by Inspector.

- (1.) The date upon which each inspection is made ;
- (2.) The place where made ;
- (3.) The name and residence of the person who required him to make the inspection ;
- (4.) The number of packages inspected, and the quantity and quality of Petroleum contained in such packages.

95. When required to inspect any Petroleum by the owner or holder thereof, the Trade Inspector shall proceed as follows:— Mode of inspection.

(1.) He shall determine, by careful calliper gauging, the capacity of each cask ; or, when the Petroleum is not in casks, then, by some other accurate mode of measurement, the capacity of each package : Quantity.

(2.) He shall determine, by means of Tagliabue's or some other similar pyrometer, the degree of heat at which the Petroleum gives off a vapour that will ignite or flash on the application of fire : Quality.

(3.) He shall determine, by careful examination, as to which the grades herein established, the Petroleum under inspection shall be classified as .

Quantity and quality.

Having ascertained these particulars, the Inspector shall brand the packages in which the Petroleum is contained in a neat and legible manner, so as to show,—

- (1.) The capacity of the package in wine gallons ;
- (2.) The fire test, or degree of heat at which the vapour given off ignites ;
- (3.) The gravity, by Baumé's Hydrometer ;
- (4.) The grade or quality in which the Petroleum is classed ;
- (5.) The place where the inspection is made ;
- (6.) The Trade Inspector's name, and the date of inspection.

Where brands shall be placed.

96. The Trade Inspector's brands shall be on the end of the cask or package, opposite the marks and brands placed upon it by the officers of Inland Revenue.

Grades of refined petroleum.

97. Refined Petroleum shall be classified in the following grades or qualities :

No. 1. *Prime White*, having a gravity of 44° by Baumé's Hydrometer :

No. 2. *Standard White*, having a gravity of from 43° upwards by Baumé's Hydrometer :

No. 3. *Prime Light Straw White to White*, having a gravity of from 42° upwards by Baumé's Hydrometer :

No. 4. *Straw*, having a gravity of from 40° upwards by Baumé's Hydrometer.

Further requirements on inspection. Gravity.

98. The gravity by Baumé's Hydrometer, and the specific gravity shall, in each case, be taken at or reduced to a uniform temperature of sixty degrees of Fahrenheit's Thermometer ; and each grade or quality shall stand a fire test of not less than one hundred and five degrees of heat by Fahrenheit's Thermometer, and shall be free from offensive odor. Each grade shall also stand the lead or litharge test, that is to say, the Petroleum shall not change color when tested by the admixture of a saturated solution of litharge and caustic soda.

Litharge test.

Rejected petroleum.

99. All packages containing Petroleum submitted for inspection which will not stand the tests above prescribed, shall be branded with the word " REJECTED," the Trade Inspector's name, and the date and place of inspection.

Fees for inspection.

100. For each package inspected and branded, and of which an account is entered in the books of the Trade Inspector, and a return made as herein required, the Trade Inspector shall be

entitled to receive from the person who required the inspection to be made, a fee of five cents.

101. As soon as any lot of Refined Petroleum has been inspected, the Trade Inspector shall deliver to the owner or holder thereof a Bill of Inspection, in which there shall be set forth, neatly and legibly, the full particulars of such inspection as herein required to be entered in the Trade Inspector's books, together with a " facsimile," or description of the trade mark or other designation which the owner or holder may have caused to be placed on the packages in which it is contained. Bill of inspection to be furnished.

102. Every Trade Inspector of Petroleum shall, within ten days after the last days of March, June, September and December, in each year, make and deliver to the Secretary of the Board of Trade of the place for which he is appointed, or to such other person as may be designated by the Governor in Council, a true return or statement of the total quantity of Petroleum inspected by him during the three months next preceding the days specified; and every such return shall set forth the nature and description of packages, and the number of gallons of each grade inspected, and also the number of packages and gallons rejected. Return to be made by the Inspector.

103. The inspection herein provided for shall be irrespective of any inspection made, ordered, or provided for by the laws respecting Excise or the Inland Revenue, which shall in no wise be affected by this Act. Inspection to be irrespective of excise law.

CHAP. 50.

An Act to amend the Act respecting Offences against the Person.

[Assented to 23rd May, 1873.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

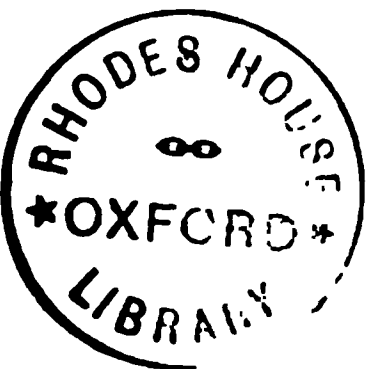
1. The forty-ninth section of the Act passed in the session held in the thirty-second and thirty-third year of Her Majesty's reign, and intituled, "*An Act respecting offences against the Person*," is hereby amended, so as to be read as follows:— Section 49 of 32-33 V., c. 20, amended.

"Whosoever commits the crime of rape is guilty of felony, and shall be liable to suffer death as a felon, or to be imprisoned in the Penitentiary for life, or for any term not less than seven years: and whosoever assaults any woman or girl with intent to commit rape is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, Rape to be punishable by death or imprisonment. Assault with intent to commit.

years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour."

Construction.

And the said section, as so amended, shall form part of the said Act, and be construed and have effect as the forty-ninth section thereof.



CHAP. 51.

An Act further to amend the law respecting certain matters of procedure in criminal cases.

[Assented to 23rd May, 1873.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

New section for s. 105 of 32, 33 V.c. 29.

1. Section one hundred and five of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled "*An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law*," is hereby repealed and the following substituted in lieu thereof:—

Removal of Insane of prisoners.

"105. The Lieutenant-Governor, upon such evidence of the insanity of any person imprisoned for an offence, or imprisoned for safe custody charged with an offence, or imprisoned for not finding bail for good behavior or to keep the peace, as the Lieutenant-Governor shall consider sufficient, may order the removal of such insane person to a place of safe keeping; and such person shall remain there, or in such other place of safe keeping, as the Lieutenant-Governor may from time to time order, until his complete or partial recovery shall be certified to the satisfaction of the Lieutenant-Governor, who may then order such insane person back to imprisonment, if then liable thereto, or otherwise to be discharged."

CHAP. 52.

An Act to extend the Act passed in the 33rd year of Her Majesty's Reign, intituled: "An Act to amend the "Penitentiary Act of 1868."

[Assented to 23rd May, 1873.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. For and notwithstanding anything contained in the Act passed in the thirty-third year of Her Majesty's reign, intituled: "*An Act to amend the Penitentiary Act of 1868*," the period beyond which no person sentenced in New Brunswick or Nova Scotia to be imprisoned with hard labour for less than one year shall be received or imprisoned in the Penitentiary shall be extended to the first day of May, which will be in the year of Our Lord one thousand eight hundred and seventy-five; and the period beyond which no person sentenced in either of the said Provinces to imprisonment with hard labor for less than two years, shall be received or imprisoned in the said Penitentiary, shall be extended to the first day of May, which will be in the year of Our Lord, one thousand eight hundred and seventy-six.

Periods mentioned in 33, V. c. 30, s. 5, extended to 1st May, 1875 and 1876.

CHAP. 53.

An Act to amend the Acts respecting the Inspection of Steamboats.

[Assented to 3rd May, 1873.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. For and notwithstanding anything contained in the third section of the Act passed in the thirty-first year of Her Majesty's reign, chaptered sixty-five, and intituled "*An Act respecting the Inspection of Steamboats and for the greater safety of Passengers by them*," the Board of Steamboat Inspection may, at any time hereafter, make rules and regulations for their own conduct; and for the uniform inspection of steamboats, the selection of ports of inspection, and granting licenses to engineers; and for such other purposes as may be necessary under the said Act; and may, from time to time repeal, alter or add to such rules and regulations, or make others in their stead: and such rules and regulations shall respectively come into force after they have been approved by the Governor in Council, but not before: and copies of the proceedings of the Board, certified by the Chairman shall be transmitted to the Minister of Marine and Fisheries.

S. 3 of 31 V. c. 65 amended. Board of Inspection may make regulations from time to time subject to approval.

2. The temporary certificate authorized by the twenty-sixth section of the said Act to be granted to any person claiming to be qualified to perform the duties of an engineer in steamboats, shall have the force and effect in the said section mentioned for a period not exceeding six months from the day on which it was granted; and for every such temporary certificate so granted the applicant shall pay the sum of five dollars, which shall go to the steamboat section fund as in the said twenty-sixth section mentioned.

Temporary certificate under sec. 26 of 31 V. c. 65 to have force for six months.

For s.

Power to the Governor in Council to exempt ferry boats from provisions of 31 V., c. 56, and 32 and 33 V., c. 39.

3. The Governor in Council may, at any time, order and direct that the provision of the said Act and of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-nine, and intituled "*An Act to amend the Act respecting the Inspection of Steamboats, and for the greater safety of Passengers by them,*" shall not, or shall not for any time specified in the order, in so far as such provisions extend to the carrying of boats and life preservers, apply to any ferry boat specially mentioned in such Order in Council: and the Governor in Council may order and direct that such other provisions as he may deem advisable, with respect to the carrying of boats and life preservers on such ferry boat, shall be applicable and shall be enforced in respect of such ferry boat.

CHAP. 54.

An Act respecting Pilotage.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is expedient to make provision by one and the same law for the licensing and regulation of pilots, and for other matters relating to pilotage throughout Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as "The Pilotage Act, 1873."

2. In this Act

Definition of terms used in this Act.

The term "the Minister," means the Minister of Marine and Fisheries;

The term "ship" includes every description of vessel used in navigation not propelled by oars;

The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada; and ships described as the property of Canada by the one hundred and eighth section of "*The British North America Act, 1867*;"

The term "master," includes every person having command or charge of any ship;

The term "pilot," means any person not belonging to a ship who has the conduct thereof;

The term "boat," means every description of vessel used in navigation not being a ship;

The term "pilot-boat," means any ship or boat employed in the pilotage service of any district;

The term "license," includes a branch;

The term "licensed pilot," includes a branch pilot;

The term "pilotage authority," means any persons authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage;

The term "pilot fund," means any fund established by a pilotage authority, or by pilotage authorities for the relief of superannuated or infirm licensed pilots, or of their wives, widows or children, or of any two or more of such classes of persons collectively;

Terms referring to the pilotage authorities of pilotage districts generally, as applied to the pilotage district of Quebec, mean and include only the Trinity House of Quebec;

Terms referring to the pilotage authorities of the districts for which pilots are licensed, as applied to pilots for and above the harbour of Quebec, mean and include only the Montreal Harbour Commissioners.

3. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-four, which day is in this Act referred to as the commencement of this Act. Commencement of Act

4. Nothing in this Act shall apply to ships belonging to Her Majesty, nor to ships wholly employed in Her Majesty's service while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada. Act not to apply to H. M. ships, &c.

PILOTAGE AUTHORITY.

5. The Trinity House of Quebec shall be the pilotage authority of the pilotage district of Quebec, comprising the River St. Lawrence from the basin of Portneuf, inclusively, to an imaginary line drawn from the eastern anchorage ground off Barnaby Island to the eastern anchorage ground under Cape Blumbe on the north shore, together with those parts of all rivers, waters, creeks, bays and coves within the said limits where a tide ebbs and flows. Pilotage district of Quebec.

Pilotage district of Montreal.

6. The Montreal Harbour Commissioners shall be the pilot authority of the pilotage district of Montreal, comprising River St. Lawrence, from the basin of Portneuf exclusively, to Province line, formerly dividing the Provinces of Upper and Lower Canada and now dividing the Provinces of Ontario and Quebec, and the several rivers falling into the St. Lawrence within the said limits, and also, so far as relates to pilots and apprentices, pilotage, pilot dues and pilot boats for and above Harbour of Quebec, of that part also of the pilotage district of Quebec comprising the River Saint Lawrence, between St. Patrick's Hole and the basin of Portneuf, both inclusive, and that part of all rivers, waters, creeks, bays and coves within the last mentioned limits where the tide ebbs and flows.

Pilotage district of Halifax.

7. The Halifax Pilot Commissioners constituted as hereinafter provided shall be the pilotage authority of the pilotage district of Halifax, the limits of which shall be fixed by an Order in Council as hereinafter provided.

Election and appointment of Halifax Pilot Commissioners.

8 For the purposes of this Act, and within fourteen days after commencement of this Act, the City Council for the City of Halifax hereinafter termed the City Council, shall elect two persons, and the Executive Committee of the Chamber of Commerce of the City of Halifax, hereinafter termed the Executive Committee, if a Chamber of Commerce there be, shall elect two persons, to be with the persons so appointed by the Governor General, as hereinafter mentioned, the first Commissioners under this Act at Halifax; and the names of the persons so elected by the City Council shall be forthwith, after such election, certified to the Minister under the seal of the City of Halifax; and the names of the persons so elected by the Executive Committee shall be forthwith, after such last mentioned election, certified to the Minister under the hand and seal of the City Clerk; and the Governor General may, within thirty days after the commencement of this Act, by an instrument under the Great Seal of Canada, appoint to be such Commissioners three persons: Provided always, that if the City Council shall refuse or shall for such fourteen days neglect to make such election of such two persons and to certify the names of such persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons, and if there be no such Chamber of Commerce or no such Executive Committee, or if the Executive Committee shall refuse, or shall for such fourteen days neglect to make such election of such two persons and to certify the names of such two persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons to make up the full number of such Commissioners; Provided also, that if any person elected as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to be such Commissioner.

Provided in case of failure to elect. Governor to appoint.

And in case of refusal to accept.

9. Every vacancy happening from time to time among the Commissioners appointed by the Governor General under this Act, not being Commissioners so appointed by reason of any refusal or neglect to elect or refusal to accept office when elected as herein mentioned, shall be filled up by the Governor General, by an instrument under the Great Seal of Canada, and every other vacancy shall be filled up as follows :—

Method of filling vacancies.

(1.) If the person whose death or resignation has caused the vacancy had been elected by the City Council, or had been appointed by the Governor General by reason of the refusal or neglect of the City Council to elect, or by reason of the refusal of any person elected by the City Council to accept office, the City Council shall, within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy :

If of Commissioner elected by City Council.

(2.) If the person whose death or resignation has caused the vacancy had been elected by the Executive Committee or had been appointed by the Governor General by reason of the refusal or neglect of the Executive Committee to elect, or by reason of the refusal of any person elected by the Executive Committee to accept office, the Executive Committee shall, within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy ;

If elected by Executive Committee or appointed by Governor.

And the name of every person so elected by the City Council to fill a vacancy shall be forthwith after his election certified to the Minister under the seal of the City of Halifax, and the name of every person so elected by the Executive Committee to fill a vacancy, shall be forthwith after his election certified to the Minister under the hand and seal of the City Clerk : Provided always, that if the City Council or the Executive Committee, as the case may be, shall refuse, or shall for such fourteen days neglect to elect a person to fill any such vacancy and to certify the name of such person as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy ; Provided also, that if any person elected to fill a vacancy as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing some other person to fill such vacancy.

Certificate Minister.

Previso : neglect to certify ;

Previso : refusal to accept appointment.

10. And such Commissioners, and the survivor or survivors of them, and their successors, so from time to time elected and appointed as aforesaid, (any three of whom shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), shall be and are hereby declared to be a body corporate and politic in deed and in name, by the name of "The Halifax Pilot Commissioners," with all the powers vested in corporations by "the Interpretation Act."

Commissioners incorporated.

Appointment
of Secretary-
Treasurer.

11. The Governor General may appoint a fit and proper person to be Secretary and Treasurer of the Halifax Pilot Commissioner and may assign him an annual salary of not more than eight hundred dollars payable out of the Consolidated Revenue Fund of Canada.

Pilotage district of Saint John.

12. The St. John Pilot Commissioners, constituted as hereinafter provided, shall be the pilotage authority of the pilotage district of St. John, the limits of which shall be fixed by Order in Council as hereinafter provided.

Election and
appointment
of Saint John
Pilot Commissioners.

13. For the purposes of this Act, and within fourteen days after the commencement of this Act, the Mayor, Aldermen and Commonalty of the City of Saint John, shall elect two persons and the Council of the Saint John Board of Trade shall elect two persons, to be, with the persons to be appointed by the Governor General as hereinafter mentioned, the first Commissioners under this Act at St. John; and the names of the persons so elected by the Mayor, Aldermen and Commonalty of the City of Saint John shall be forthwith, after such election certified to the Minister, under the seal of the City of Saint John and the names of the persons so elected by the Council of the Saint John Board of Trade shall be forthwith after such last mentioned election, certified to the Minister under the seal of the Saint John Board of Trade; and the Governor General may, within thirty days after the commencement of this Act, by an instrument under the Great Seal of Canada, appoint to be such Commissioners three persons: Provided always, that if the Mayor, Aldermen and Commonalty of the City of Saint John shall refuse or shall for such fourteen days neglect to make such election of such two persons, and to certify the names of such persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons; and if the Council of the Saint John Board of Trade shall refuse, or shall for such fourteen days neglect to make such election of such two persons, and to certify the names of such two persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons, to make up the full number of such Commissioners; Provided also, that if any person elected as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to be such Commissioner.

Proviso, in
case of failure
to elect, ap-
pointment by
Governor.

Proviso, in
case of refusal
to accept ap-
pointment.

Mode of filling
vacancies.

14. Every vacancy happening from time to time among the Commissioners appointed by the Governor General under this Act, not being Commissioners so appointed by reason of any refusal or neglect to elect or refusal to accept office when elected as herein mentioned, shall be filled up by the Governor General, by an instrument under the Great Seal of Canada: and every other vacancy shall be filled up as follows:—

(1.) If the person whose death or resignation has caused the vacancy had been elected by the Mayor, Aldermen and Commonalty of the City of Saint John, or had been appointed by the Governor General by reason of the refusal or neglect of the Mayor, Aldermen and Commonalty of the City of Saint John to elect, or by reason of the refusal of any person elected by the Mayor, Aldermen and Commonalty of the City of Saint John to accept office, the Mayor, Aldermen and Commonalty of the City of Saint John shall within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy :

If of Commissioners elected by City Council, &c.

(2.) If the person whose death or resignation has caused the vacancy, had been elected by the Council of the Saint John Board of Trade, or had been appointed by the Governor General by reason of the refusal or neglect of the Council of the Saint John Board of Trade to elect, or by reason of the refusal of any person elected by the Council of the Saint John Board of Trade to accept office, the Council of the Saint John Board of Trade shall, within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy ;

If of Commissioners by Saint John Board of Trade.

And the name of every person so elected by the Mayor, Aldermen and Commonalty of the City of Saint John, to fill a vacancy, shall be forthwith after his election, certified to the Minister under the Seal of the City of Saint John, and the name of every person so elected by the Council of the Saint John Board of Trade to fill a vacancy, shall be forthwith after his election certified to the Minister under the Seal of the Saint John Board of Trade : Provided always, that if the Mayor, Aldermen and Commonalty of the City of Saint John, or the Council of the Saint John Board of Trade, as the case may be, shall refuse, or shall for such fourteen days neglect to elect a person to fill any such vacancy, and to certify the name of such person as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy ; Provided also, that if any person elected to fill a vacancy as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to fill such vacancy.

Certificate to Minister.

Provide :
in case of
default to
certify.

Provide :
or of refusal to
accept.

15. And such Commissioners and the survivor or survivors of them and their successors so from time to time elected and appointed as aforesaid, (any three of whom shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), shall be and are hereby declared to be a body corporate in deed and in name, by the name of "The St. John Pilot Commissioners," with all the powers vested in Corporations by "*the Interpretation Act*."

Commissioners incorporated.

16. The Governor General may appoint a fit and proper person to be Secretary and Treasurer of the St. John Pilot Commissioners, and may assign him an annual salary of not more than eight hundred

Appointment of Secretary-Treasurer.

Appointment
of Secretary-
Treasurer.

11. The Governor General may appoint a fit and proper person to be Secretary and Treasurer of the Halifax Pilot Commissioners, and may assign him an annual salary of not more than eight hundred dollars payable out of the Consolidated Revenue Fund of Canada.

Pilotage dis-
trict of Saint
John.

12. The St. John Pilot Commissioners, constituted as hereinafter provided, shall be the pilotage authority of the pilotage district of St. John, the limits of which shall be fixed by Order in Council, as hereinafter provided.

Election and
appointment
of Saint John
Pilot Commis-
sioners.

13. For the purposes of this Act, and within fourteen days after the commencement of this Act, the Mayor, Aldermen and Commonalty of the City of Saint John, shall elect two persons, and the Council of the Saint John Board of Trade shall elect two persons, to be, with the persons to be appointed by the Governor General as hereinafter mentioned, the first Commissioners under this Act at St. John; and the names of the persons so elected by the Mayor, Aldermen and Commonalty of the City of Saint John shall be forthwith, after such election, certified to the Minister, under the seal of the City of Saint John, and the names of the persons so elected by the Council of the Saint John Board of Trade shall be forthwith after such last mentioned election, certified to the Minister under the seal of the Saint John Board of Trade; and the Governor General may, within thirty days after the commencement of this Act, by an instrument under the Great Seal of Canada, appoint to be such Commissioners three persons: Provided always, that if the Mayor, Aldermen and Commonalty of the City of Saint John shall refuse or shall for such fourteen days neglect to make such election of such two persons, and to certify the names of such persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons; and if the Council of the Saint John Board of Trade shall refuse, or shall for such fourteen days neglect to make such election of such two persons, and to certify the names of such two persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons, to make up the full number of such Commissioners; Provided also, that if any person elected as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to be such Commissioner.

Proviso, in
case of failure
to elect, ap-
pointment by
Governor.

Proviso, in
case of refusal
to accept ap-
pointment.

Mode of filling
vacancies,

14. Every vacancy happening from time to time among the Commissioners appointed by the Governor General under this Act, not being Commissioners so appointed by reason of any refusal or neglect to elect or refusal to accept office when elected as herein mentioned, shall be filled up by the Governor General, by an instrument under the Great Seal of Canada: and every other vacancy shall be filled up, as follows:—

(1.) If the person whose death or resignation has caused the vacancy had been elected by the Mayor, Aldermen and Commonalty of the City of Saint John, or had been appointed by the Governor General by reason of the refusal or neglect of the Mayor, Aldermen and Commonalty of the City of Saint John to elect, or by reason of the refusal of any person elected by the Mayor, Aldermen and Commonalty of the City of Saint John to accept office, the Mayor, Aldermen and Commonalty of the City of Saint John shall within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy :

If of Commissioners elected by City Council, &c.

(2.) If the person whose death or resignation has caused the vacancy, had been elected by the Council of the Saint John Board of Trade, or had been appointed by the Governor General by reason of the refusal or neglect of the Council of the Saint John Board of Trade to elect, or by reason of the refusal of any person elected by the Council of the Saint John Board of Trade to accept office, the Council of the Saint John Board of Trade shall, within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy ;

If of Commissioners by Saint John Board of Trade.

And the name of every person so elected by the Mayor, Aldermen and Commonalty of the City of Saint John, to fill a vacancy, shall be forthwith after his election, certified to the Minister under the Seal of the City of Saint John, and the name of every person so elected by the Council of the Saint John Board of Trade to fill a vacancy, shall be forthwith after his election certified to the Minister under the Seal of the Saint John Board of Trade : Provided always, that if the Mayor, Aldermen and Commonalty of the City of Saint John, or the Council of the Saint John Board of Trade, as the case may be, shall refuse, or shall for such fourteen days neglect to elect a person to fill any such vacancy, and to certify the name of such person as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy ; Provided also, that if any person elected to fill a vacancy as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to fill such vacancy.

Certificate to Minister.

Provide :
in case of default to certify.

Provide :
or of refusal to accept.

15. And such Commissioners and the survivor or survivors of them and their successors so from time to time elected and appointed as aforesaid, (any three of whom shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), shall be and are hereby declared to be a body corporate in deed and in name, by the name of "The St. John Pilot Commissioners," with all the powers vested in Corporations by "*the Interpretation Act*."

Commissioners incorporated.

16. The Governor General may appoint a fit and proper person to be Secretary and Treasurer of the St. John Pilot Commissioners, and may assign him an annual salary of not more than eight hundred

Appointment of Secretary-Treasurer.

hundred dollars, payable out of the Consolidated Revenue of Canada.

Powers of the Governor in Council, as respects Pilotage Districts and authorities.

And as to compulsory or non-compulsory payment of pilotage dues.

17. The Governor may, by Order in Council, fix the pilotage districts, in any places not included within either above described pilotage districts of Quebec or Montreal may constitute pilotage authorities, each consisting of not less than three nor more than five persons (any majority of whom actively shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act), in places not included within either of the pilotage districts of Montreal, Halifax or St. John ; and may by any Order in Council from time to time make the payment of pilotage dues compulsory or not compulsory, within any limits so fixed.

GENERAL POWERS OF PILOTAGE AUTHORITIES.

Powers of pilotage authorities.

18. Subject to the provisions of this Act, or of any Act for the time being in force in their pilotage district, every pilotage authority shall have power from time to time, by by-law made by the Governor in Council, to do all or any of the following things within their district, namely :—

To determine qualifications of pilots.

(1.) To determine the qualification in respect of age, service, skill, character and otherwise, to be required of persons applying to be licensed as pilots ;

To make regulations respecting pilot boats.

(2.) To make regulations respecting the approval, licensing, management, and maintenance of pilot boats, and respecting the distribution of the earnings of pilot boats, and to require that decked pilot boats be provided with life boats to be used in connection with pilot boats, and also with such number of life preservers as such pilotage authority may deem advisable ;

To aid companies for the support of pilot boats.

(3.) To provide for aiding in the establishment of any company participating in the profits of companies for the support of pilot boats ;

To grant licenses and certificates.

(4.) To license pilots and (except in the pilotage districts of Quebec) apprentices, and (except in the pilotage districts of Quebec, Montreal, Halifax and Saint John) to certificate masters and mates to act as pilots hereinafter mentioned ;

To make regulations as to licenses and certificates.

(5.) To fix the terms and conditions of granting licenses to pilots and (except as above excepted) apprentices, and (except as above excepted) such pilotage certificates as are mentioned in this Act to masters and mates, and the fees to be payable for such licenses and certificates, and to regulate the number of pilots : *Provided* :

that in the pilotage district of Quebec, after the apprentices under indentures at the commencement of this Act, or such of them as shall have undergone satisfactory examinations within two months from and after the final expiration of their apprenticeships respectively, including any further or additional periods imposed by or under this or any other Act, have been licensed as pilots, such number shall never be less than one hundred and fifty nor more than two hundred ;

Proviso: as to Quebec district.

(6.) To make regulations for the government of the pilots licensed, and the masters and mates (if any), certificated by such pilotage authority, and for ensuring their good conduct and constant attendance to and effectual performance of their duty on board and on shore ; and for the government of apprentices, and (elsewhere than in the pilotage district of Quebec) for regulating the number of apprentices ;

To make regulations for the government of pilots.

(7.) To make rules for punishing any breach of such regulations by the withdrawal or suspension of the license or certificate of the person guilty of such breach, or by the infliction of penalties,—so however, that no single penalty be made to exceed the sum of forty dollars, with, in case of a continuing breach, a further penalty not exceeding four dollars, for every twenty-four hours during which such breach continues, and that every such penalty be capable of reduction at the discretion of the Court by whom the same is inflicted ;

To make rules for punishing breaches of regulations.

(8.) To fix and alter the mode of remunerating the pilots licensed by such authority, and the amount and description of such remuneration (in this Act called pilotage dues), and the person or authority to whom the same shall be paid :

To fix and alter pilotage dues.

Provided always that the rates of pilotage for and below the Harbour of Quebec set forth in Tables one and two of Schedule A., to the Act of the legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, intituled "*An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes*," shall not be altered for three years after the commencement of this Act ; nor then, unless the share of the net income of the Corporation of Pilots for and below the Harbour of Quebec annually accruing to each member of the said Corporation acting and practising as a pilot for and below the Harbour of Quebec, has been less than six hundred dollars

Proviso : as to pilotage for and below Harbour of Quebec.

dollars on an average of the said three years; in which case it shall be the duty of the Trinity House of Quebec to submit to the Governor in Council for approval, a by-law establishing such increased rates of pilotage, or pilotage dues as may be deemed necessary for the purpose of securing to each such pilot an average annual share of not less than six hundred dollars of such net income, and so on for and during each successive period of three years thereafter;

To provide for the compulsory retirement of aged pilots.

(9.) To provide for the compulsory retirement of licensed pilots having attained the age of sixty-five years, subject to the provisions contained in section thirty-six of this Act;

To provide for the compulsory retirement of infirm or intemperate pilots.

(10.) To provide for the compulsory retirement of licensed pilots proved on oath before the authority to be incapacitated by mental or bodily infirmity or by habits of drunkenness before attaining the age of sixty-five years;

To provide for the decision of disputes about pilotage.

(11.) To provide for the adjustment and decision of questions and disputes arising between masters of ships, pilots and others, respecting pilotage;

To establish and regulate pilot funds, except in Quebec and Montreal districts.

(12.) To establish (elsewhere than in the pilotage districts of Quebec and Montreal) either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm licensed pilots, or of their wives, widows or children, and in any pilotage district to make any new regulations with respect to any funds for the time being applicable to those purposes or any of them,—with power to determine the amount, manner, time and persons (such persons to be in the service of such pilotage authority) to, and in which, and by and upon whom the contributions in support of such existing or future funds may be made or levied; but not to determine that any contribution to any such fund shall be made or levied by

- or upon any pilot to any amount exceeding seven per cent of his earnings; and further, to determine what persons, or class of persons, from among the men in the service of such pilotage authority, their wives, widows or children, are and are not respectively entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled;

To repeal or alter previous by-laws,

(13.) To repeal or alter any by-law made in exercise of the powers of this section, or any by-law touching any of the matters enumerated in this section in force in and for their district at the time of the commencement of this Act, and to make a new by-law or new by-laws in lieu thereof;

and any by-law made by any pilotage authority, according to the provisions of this section, may impose a reasonable penalty, not exceeding in any case forty dollars for the breach of such by-law, with, in case of a continuing breach, a further penalty not exceeding four dollars for every twenty-four hours during which such breach continues; but so that no such by-law shall impose a minimum penalty. Every penalty imposed by any such by-law, so made, confirmed and published as aforesaid, shall be summarily recoverable with costs by civil action or proceeding at the suit of the Crown only, or of any private party suing as well for the Crown as for himself, in any form allowed in such case by the law of that Province where it is brought,—before any court having jurisdiction to the amount of the penalty in cases of simple contract,—upon the evidence of any one credible witness other than the plaintiff or party interested; and one half thereof shall belong to the relief fund, hereinafter termed pilot fund, established under this section by the pilotage authority for the breach of whose by-law the same has been recovered, if any such fund there be, and if there be no such fund then to such pilotage authority themselves, to be applied by them to the relief of any superannuated or infirm pilot licensed by them, or of the wife, widow or child of any such pilot, and the other half shall belong to the private plaintiff, if any there be, and if there be none, the whole shall belong to such pilot fund or pilotage authority as the case may be.

Penalties under by-laws and their recovery and application.

19. Every by-law made by any pilotage authority in exercise of the powers conferred upon it by the next preceding section of this Act shall, if and when confirmed by order of the Governor in Council and published as hereinafter mentioned, be valid and effectual; and every breach thereof shall be deemed an offence against this Act.

Confirmation of by-laws.

20. Every by-law made by a pilotage authority and confirmed by the Governor in Council, shall be published in the *Canada Gazette*; and the copy thereof printed in the *Canada Gazette* shall be *prima facie* evidence of the original and of the contents thereof and of its having been confirmed by order of the Governor in Council.

Publication of by-laws.

21. A copy of every by-law made by the Trinity House of Quebec under this Act, shall be furnished to the Corporation of Pilots for and below the Harbour of Quebec twenty days before such by-law is submitted to the Governor in Council for the purpose of being confirmed.

Special provision for pilots for and below Quebec.

22. Every pilotage authority existing at the time of the commencement of this Act shall, until replaced by order of the Governor in Council under section seventeen of this Act, if subject to be so replaced under the same, and if not subject to be so replaced, continually, retain all powers and jurisdiction which they lawfully possess at the commencement of this Act, so far as the same are consistent with the

Existing pilotage authorities to retain all their powers and jurisdiction, subject to section 17 of this Act.

the provisions of this Act; but nothing done after the commencement of this Act by any pilotage authority shall, if inconsistent with this Act, be of any force whatever.

Existing by-laws continued in force subject to this Act.

23. Every by-law, rule or regulation, law or ordinance made by any pilotage authority before the commencement of this Act shall, so far as the same is not inconsistent with any provision of this Act, continue to be of the same force and effect as if this Act had not been passed, until repealed or altered by a by-law of the proper pilotage authority duly made and confirmed under the authority of this Act.

RETURNS BY PILOTAGE AUTHORITIES.

Pilotage authorities to make annual returns.

24. Every pilotage authority shall on or before the tenth day of January in every year transmit to the Minister in such form as the Minister requires, returns, in this Act called pilotage returns, of the following particulars with regard to pilotage within their district, made up to the thirty-first day of December previous, namely :—

Names and ages of pilots, &c.

(1.) The name and age of each and every pilot, apprentice, master or mate licensed, certificated or authorized to act by such authority, and of each and every pilot or apprentice acting, either mediately or immediately under such authority, whether so licensed or authorized, or not;

Services of pilots, &c.

(2.) The service for which each pilot, apprentice, master or mate is licensed or certificated;

Pilotage dues.

(3.) The pilotage dues for the time being in force, including therein the amounts and description of all charges upon shipping made in respect of pilotage;

Amount of pilotage dues received.

(4.) The total amount received for pilotage dues, distinguishing the amounts received from British ships and from foreign ships, and the amount received in respect of different classes of ships paying different rates of pilotage dues for the time being in force, and the amounts received for the several classes of service rendered by pilots;

Receipts and expenditure of all money received.

(5.) The receipt and expenditure of all money received by or on behalf of such authority, in respect of pilots or pilotage; and such other particulars as the Minister may from time to time require to be included in any such return.

APPRENTICES—QUEBEC.

Indentures of apprenticeship

25. Persons desirous of becoming pilots for and below the Harbour of Quebec, shall continue to pass their indentures of apprenticeship.

hip with the Corporation of Pilots for and below the in pilotage district of Quebec, and not with the individual pilots as required of Quebec. said Act twelfth Victoria, chapter one hundred and ; and for that purpose the said corporation shall continue to the provisions of the said Act, as amended by this to those of the by-laws of the Trinity House of Quebec der the provisions of the said Act or of this Act, relative to ring apprentices, and shall continue to have power to sh apprentices to serve in turn on board ships piloted, or the schooners of the corporation.

he number of apprentice pilots indentured to the Corpora- Limitation of number of pilots' apprentices in said district. ilots for and below the Harbour of Quebec shall not at any less than thirty-six, nor more than sixty, and the Trinity Quebec shall be and are hereby empowered to see to ing out of this provision; and the said Corporation of and below the Harbour of Quebec shall in each year return of the number of its apprentice pilots to the Trinity Quebec.

otwithstanding anything to the contrary contained in As to appren- tice pilots whose term of apprenticeship has been interrupted. twenty-one of the said Act, passed in the twelfth year of esty's Reign, if the period of apprenticeship of any appren- tured to the said Corporation of Pilots for and below the of Quebec has been interrupted for less than four months r, or on account of sickness, involuntary absence or timate cause, the Trinity House shall grant him, if found e qualified and entitled, a license as pilot, on proof as served a regular apprenticeship of seven years in all, he has made up for the time lost by such interruption ditional period or additional periods of service after the even years from the commencement of his apprenticeship, made four voyages to Europe as required by the said Act, lways to the provisions contained in section thirty-two ct.

the pilotage district of Quebec, after the persons serving After a certain time no ap- prentices to be licensed by the Trinity House of Quebec, unless there is a vacancy in the number limited by by-laws. eships to be pilots at the commencement of this Act, or hem as shall have undergone satisfactory examinations vo months from and after the final expiration of their eships respectively, including any further or additional mposed by or under this or any other Act, have a vacancy in the number limited by by-laws. used as pilots, no apprentices shall be licensed as pilots r until the number of licensed pilots for and below the of Quebec is less than that for the time being prescribed ated by by-law of the Trinity House of Quebec in that and then so many only may be so licensed, from time as may be required to keep up the number of such r the time being prescribed and regulated by by-law rinity House of Quebec in that behalf, and those as may be practicable, in the order of their seniority as es.

LICENSING OF PILOTS.

Contents, form
and regulation
of licenses to
pilots.

29. Every pilot on being licensed by any pilotage authority shall receive a license containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act, which license may be in the form of the first Schedule of this Act, or in any like form; and the Collector of Customs at the principal port of the district within which any pilot is licensed to act, shall, on his request, and without fee or reward, register his license, and add his name to the list posted up at the Custom House, if not already on it; and a licensed pilot shall not be entitled to act as such until his license is so registered. Any licensed pilot acting beyond the limits for which he is qualified by his license, shall be considered an unlicensed pilot.

Copies of this
Act, and of
dues and by-
laws to be
furnished to
and produced
by pilots.

30. Every licensed pilot shall, on receiving his license, be furnished with a copy of this Act, and a copy of the dues and by-laws established within the district for which he is licensed; and he shall produce such copies to the master of any ship or other person employing him, when required to do so, and in case of default shall incur a penalty not exceeding twenty dollars.

Existing
licenses con-
tinued in force.

31. Every pilot who has received a license from a duly constituted authority in that behalf, before the commencement of this Act, may retain the same under and subject to the provisions of this Act, and shall be held and deemed to be, for all and every the purposes of this Act, a pilot licensed by the pilotage authority of the district to which his license extends.

Apprentices
now under
indentures to
be examined
only under by-
laws under
which they
commenced
their appren-
ticeship.

32. Every person, who, at the commencement of this Act, is serving an apprenticeship to be a pilot, shall be entitled to be licensed as a pilot at or after the expiration of the term fixed for such apprenticeship by the law, by-law, rule or regulation under which he commenced his apprenticeship, on proving, to the satisfaction of the pilotage authority of the district in which he has served his apprenticeship, that he has complied with all and every the terms and conditions imposed upon apprentices by such law, by-law, rule or regulation, and on being found by such pilotage authority, after due examination, to possess the qualifications required of pilots by such law, by-law, rule or regulation.

Pilots to pro-
duce licenses
when offering
their services
and when
employed.

33. Every licensed pilot while acting in that capacity shall be provided with his license, and shall produce the same (whether requested to produce it or not) to every person by whom he is employed, or to whom he offers his services as pilot, at the time when he enters into the employment of, or offers his services to such person; and shall at all times produce his license, at the request of every person by whom he is employed as pilot; and if he neglects or refuses to produce his license, he shall, for each offence, incur a penalty not exceeding forty dollars and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

34. Every branch pilot or licensed pilot who shall pass two full and consecutive years without acting as a pilot (unless in case of sickness, unavoidable absence or special permission from the pilotage authority of his district) shall forfeit his license.

License forfeited by non-user during two years.

35. Every licensed pilot, suspended or deprived of his license or compelled to retire, shall produce or deliver up his license to the authority by whom he is suspended or deprived or compelled to retire; and on the death of any licensed pilot, the person into whose hands his license comes shall, without delay, deliver it to the pilotage authority of the pilotage district for which he was licensed: and if any person, without reasonable cause (proof whereof shall lie on him), fails to comply with any requirement of this section, he shall incur a penalty not exceeding forty dollars; and any court of summary jurisdiction may, besides inflicting such penalty, by summary order direct such license to be forthwith delivered up to such authority.

License to be delivered up in certain cases.

36. Every licensed pilot shall, on attaining the age of sixty-five years, produce and deliver up his license or branch to the pilotage authority of the district to which it extends, who may grant him a new license for one year, and so on from year to year.

Pilots 65 years of age to deliver up their licenses &c.

37. The names and addresses of all licensed pilots shall be published in the following manner:—

Names and addresses of all licensed pilots to be published.

(1.) Every pilotage authority shall, from time to time, and at least once in every year, prepare a list of the pilots holding licenses for their pilotage district, specifying the name and usual place of abode of every pilot holding such license, and the limits within which he is licensed to act; and shall transmit such list to the Collector of Customs at the principal port within such district;

List of Pilots to be transmitted to Collectors of Customs.

(2.) Every Collector of Customs, to whom any such list is so transmitted, shall, immediately after the receipt thereof, cause the same to be posted up, and shall always keep the last received of such lists posted up at the Custom House of the Port.

And posted up at Custom Houses.

38. Each of the pilotage authorities of Quebec, Montréal, Halifax and St. John shall cause every pilot's license granted by such authority to be registered in a book to be kept for that purpose in the office of such pilotage authority; and every such book shall at all times, during the usual office hours, be open to all persons for inspection without fee or reward.

Registers of pilots licences to be kept at certain places.

39. Every pilot compelled to retire under the provisions of this Act on account of age or of mental or bodily infirmity, and every widow and child of a deceased pilot shall be entitled to such pension or assistance as the pilotage authority of the district in and

Retired pilots and widows and children of pilots to have pensions.

for which such pilot was licensed may deem it proper to grant to him or her out of the pilot fund of such district, if any there be.

RIGHTS OF PILOTS GENERALLY

Allowances to pilot carried out of his district.

40. No pilot shall, without his consent, be taken to sea or beyond the limits for which he is licensed, in any ship whatever; and every pilot so taken, shall be entitled to cabin passage, and over and above the pilotage dues otherwise payable to him, to the sum of two dollars a day, to be computed from, and inclusive of the day on which the ship passes the limit up to which he was engaged to pilot her, and up to and inclusive of, either the day of his being returned in the said ship to the place where he was taken on board, or if he is discharged from the ship at a distance from such place, such day as will allow him sufficient time to return thereto; and in such last-mentioned case he shall be entitled to his reasonable travelling expenses by cabin passage or first-class conveyance by land, as the case may be, over and above such pilotage dues and other sums.

Allowances to pilot detained in quarantine.

41 In case a licensed pilot is placed in quarantine, owing to his having been taken on board any ship, he shall be entitled to suitable board and accommodation, and over and above the pilotage dues payable to him, to the sum of three dollars a day, from and inclusive of the day on which he is placed in quarantine up to and inclusive of either the day on which he is discharged therefrom, or, if he is discharged at a distance from the place where he was taken on board, such day as will allow him sufficient time to return thereto; and in such last-mentioned case, he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other additional sums.

When a pilot may quit a ship which he has undertaken to pilot.

42. Any licensed pilot may quit a ship which he has undertaken to pilot as soon as such ship is finally anchored or moored after completion of her voyage or removal, as the case may be, or as soon as she passes out of the pilotage district to which his license extends, whichever may first happen; when the service for which he was hired shall be held and deemed to have been performed.

Amount of damage caused by condemned pilot to ship to be deducted from his pilotage dues.

43. A pilot deprived of his license, or suspended or condemned to pay a penalty for having caused damage to a ship, shall not be entitled to any pilotage dues if the amount of such damage is equal to or exceeds that of such dues, nor, if it is less, to more than the excess of the amount of such dues over that of such damage; and the provisions of this section shall be deemed to be referred to in section twenty-six of the Act of the legislature of the late Province of Canada, passed in the twenty-third year of Her Majesty's reign, chapter one hundred and twenty-three, intitled: "*An Act to incorporate the Pilots for and below the Harbour of Quebec.*"

Act of Canada 23 V., c. 123, s. 26.

RIGHTS OF PILOTS IN PILOTAGE DISTRICTS IN WHICH THE PAYMENT OF PILOTAGE DUES IS FOR THE TIME BEING COMPULSORY.

44. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board when such last-mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage dues for the distance run, as if he had actually been on board and piloted such ship; and such pilot while leading such last-mentioned ship, shall keep his pilot flag flying, and such last-mentioned ship shall, while being so led, show the ensign of such ship at her fore.

When licensed pilot unable to board, shall be entitled to pilotage for leading.

45. In case any person pilots a ship in any such pilotage district for which he is not a licensed pilot, under any circumstances not provided for in the next following section of this Act, he shall be liable to a penalty of forty dollars.

Penalty on unlicensed persons acting as pilots.

46. Any person may, within any such pilotage district for which he is not a licensed pilot, without subjecting himself or his employer to any penalty, pilot a ship under all or any of the following circumstances:—

Occasions on which unlicensed persons may act as pilots.

(1.) When no licensed pilot for such district has offered to pilot such ship, or made a signal for that purpose, although the master of the ship has displayed and continued to display the signal for a pilot in this Act provided, whilst within the limits prescribed for that purpose;

No pilot.

(2.) When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time.

Distress.

47. A licensed pilot may, in any such district upon showing his proper signal and exhibiting his license, supersede an unlicensed pilot, but the master shall pay to such unlicensed pilot a sum in proportion to the distance run for his services, and deduct the same from the charge of the licensed pilot; and in case of dispute, the pilotage authority of the district for which the licensed pilot is licensed, shall determine the proportionate sum to which each party is entitled; and if not so superseded, the unlicensed pilot shall be entitled to be paid the full pilotage dues.

Power of licensed pilot to supersede unlicensed pilot.

48. Any unlicensed pilot who continues in the charge of a ship in any such district after a licensed pilot has offered as aforesaid to take charge of her, shall for each offence, incur a penalty not exceeding one hundred dollars,—in default of payment of which he may be committed to prison for any period not exceeding one month.

Penalty on unlicensed pilot continuing in charge after arrival of licensed pilot.

49. In case any master of a ship not being an exempted ship, removes such ship, or causes such ship to be removed from one

Penalty for moving a ship

at Quebec,
without a pilot.

place to another within the Harbour of Quebec without the assistance of a licensed pilot for and below the Harbour of Quebec, shall pay to the Corporation of Pilots for and below the Harbour of Quebec the same pilotage dues as he would have been liable to pay if he had had the assistance of one of such licensed pilots; but this provision shall not apply to the master of any ship actually proceeding to Montreal or elsewhere above the Harbour of Quebec in charge of a pilot for and above the Harbour of Quebec.

PILOTAGE DUES.

What persons
liable to pay
pilotage dues.

50. Where, under the provisions of this Act, any pilotage dues are made payable by or in respect of any ship, the following persons shall be liable to pay such dues; that is to say,—the owner, the master and the recognized consignee or agent thereof provided such recognized consignee or agent has moneys in his hands received on account of such ship.

Consignee or
agent how to
re-imburse
himself.

51. Every recognized consignee or agent of a ship not being the owner or master of such ship may, out of any moneys in his hands received on account of such ship retain the amount of pilotage dues so paid by him, together with any reasonable expenses may have incurred by reason of such payment and liability.

Recovery of
pilotage
dues.

52. All pilotage dues may be recovered as a debt due to the pilot or corporation of pilots or pilotage authority, as the case may be, to whom the same are payable; and all sums made payable to a pilot over and above the pilotage dues, shall be payable by the same persons, and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot; but the mode of payment of pilotage dues in the pilotage districts of Quebec and Montreal shall remain the same as before the commencement of this Act.

Settlement of
difference as
to draught of
ship.

53. Whenever any difference arises between the master and the licensed pilot of any ship trading to or from any port in Canada, as to her draught of water, the pilotage authority at such port shall, upon application by either party made,—in case of a ship inward bound either within twelve hours after her arrival or at some time before she begins to discharge her cargo, and in the case of a ship outward bound before she quits her moorings—appoint some proper person who shall measure the ship, and settle the difference accordingly: and there shall be paid to the person measuring such ship, by the party against whom he decides, such remuneration for his services as the pilotage authority may appoint.

Penalty on
making a false
declaration of
draught of
ship.

54. If a master, on any licensed pilot beginning or offering to pilot his ship, refuses or neglects to declare to such pilot her draught of water, or himself makes or is privy to any other person making a false declaration to such pilot as to such draught, he shall incur a penalty for every such offence, not exceeding double the amount of pilotage dues which would have been payable by such ship.

such pilot or to any corporation of pilots of which such pilot may be a member.

55. If a master or any person interested in a ship makes or is privy to the making of a fraudulent alteration in the marks on the stern or stem post of such ship, denoting her draught of water, he shall be guilty of a misdemeanor. Penalty for falsifying marks on ship.

FREE PILOTAGE.

56. After the commencement of this Act, no owner or master of any ship shall, in any case, be compelled to employ or to give his ship into the charge of a pilot, notwithstanding any Act making the employment of a pilot compulsory. Employment of pilot not to be compulsory.

COMPULSORY PAYMENT OF PILOTAGE DUES, AND EXEMPTIONS THEREFROM.

57. Every ship which navigates within either of the pilotage districts of Quebec, Montreal, Halifax or St. John, or within any pilotage district within the limits of which the payment of pilotage dues is, for the time being, made compulsory by Order in Council under section seventeen of this Act, shall pay pilotage dues, unless either— Compulsory payment of pilotage dues in certain districts.

(1.) Such ship be on her inward voyage and no licensed pilot offers his services as a pilot, or Special exceptions.

(2.) She is exempted under the provisions of this Act, from payment of such dues :

And if such ship be on her outward voyage and the owner or master of such ship does not employ a pilot or give his ship into the charge of a pilot, such dues shall be paid, if in the pilotage district of Quebec to the Corporation of Pilots for and below the Harbour of Quebec, and if in any other pilotage district to the pilotage authority of such district. To whom payable.

The following ships (called in this Act exempted ships) shall be exempted from payment of pilotage dues : Ships exempted from payment of such dues.

(1.) Ships belonging to Her Majesty ;

(2.) Ships wholly employed in Her Majesty's service, while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada ;

(3.) Ships propelled wholly or in part by steam, trading or employed on voyages beginning at any port in Nova Scotia or New Brunswick and ending at the Port of New

New York, or any port in the United States of America on the Atlantic north of New York, or *vice versa*;

- (4.) Ships of not more than eighty tons, registered tonnage ;
- (5.) Ships registered in the Dominion of Canada of not more than two hundred and fifty tons, registered tonnage ;
- (6.) Any ship, of which the master or any mate has a certificate granted under the provisions of this Act, and then in force authorizing him to pilot such ship within the limits within which she is then navigating :

Proviso, as to pilotage district of St. John.

Provided always, that sub-section five of this section shall not apply to the pilotage district of St. John, N. B., but in that district the pilotage authority may determine by rules and regulations to be made by them, subject to the approval of the Governor in Council, the class of vessels that are to be exempted from the compulsory payment of pilotage under any of the provisions of this Act.

Master or mate of ship authorized by certificate to pilot her, to hoist a white flag on arrival at a district in which the payment of pilotage dues is compulsory.

Penalty for contravention.

58. When a ship arrives at the limits of any district in which the payment of pilotage dues is, for the time being, compulsory and within any part of which she is an exempted ship under the sixth and last paragraph of the next preceding section of this Act, or is at a distance of five miles at least from the mouth of the harbour in any such district mentioned in the certificate of her master or mate, (whichever soonest happens) such master or mate shall hoist a white flag not less than four feet by six feet at the main top mast head, with the number of his certificate, in black figures six inches long, in the centre as a signal that the ship has a certificated master or mate on board ; and every master or mate hoisting such flag without being authorized so to do at the time and place and on board the ship when and where he hoists the same, and every master or mate neglecting to hoist such flag when and where he is authorized so to do and not accepting the services of a licensed pilot, shall incur a penalty of twenty dollars; and every ship on board of which such penalty is incurred shall be liable to pay as pilotage dues the same sum as would have been payable to a licensed pilot if the services of a licensed pilot had been obtained or accepted; and all such penalties shall be payable to and recoverable by the pilotage authority of the district.

Exempted ship not belonging to Her Majesty, nor wholly employed in Her Majesty's service, liable to pay pilotage dues in certain cases, by way of penalty.

59. In case the master of an exempted ship not belonging to Her Majesty, nor wholly employed in Her Majesty's service, having arrived within the limits of a pilotage district in which the payment of pilotage dues is, for the time being, compulsory,

- (1.) Displays and continues to display the signal for a pilot in this Act provided, whilst within the limits prescribed for that purpose ; and does not accept the services of any licensed pilot offering them in consequence of such signal—

(2.) Without displaying or continuing to display the signal for a pilot, in this Act provided, whilst within the limits prescribed for that purpose, employs any person not belonging to his crew and not being a licensed pilot, to pilot or guide such ship, whether or not a licensed pilot has offered his services,—

ship shall be liable to pay, if in the pilotage district of Quebec, to the Corporation of Pilots for and below the Harbour of Quebec, and if elsewhere, to the pilotage authority of the district as pilotage dues the same sum as would have been payable to such licensed pilot if his services had been accepted :

10. When a ship (unless she is an exempted ship or does not require the services of a pilot,) arrives at the limits of any district, in which the payment of pilotage dues is, for the time being, compulsory, the following provisions shall have effect :

1. Until a licensed pilot has come on board, or until the ship has passed a point, line or place, from time to time fixed in this behalf by the pilotage authority of the district, the ship shall display such signal for a pilot as in this Act provided; and the master thereof, upon sighting a pilot boat carrying the pilot flag or pilot light shall, by lying to if the weather permits, or by shortening sail, or heaving to, or, if the ship be a steamer, stopping his engines, or by any other practicable means, facilitate the coming on board of the pilot or one of the pilots of such boat; and in default, such ship shall be liable to pay as pilotage dues to the pilotage authority of the district, if such district be not the district of Quebec, and if it be, then to the Corporation of Pilots for and below the Harbour of Quebec, a sum not exceeding the amount of pilotage dues which would be payable for piloting such ship:

Provisions respecting non-exempted ship arriving at a district in which the payment of pilotage dues is compulsory. Signal to be displayed.

Lying to.

Penalty in default.

2. If the master of such ship—

Pilotage dues payable in certain cases.

- (a.) Does not accept the services of the first licensed pilot who offers, by signal or otherwise, his services; or
- (b.) (In case there be two or more pilots offering their services at the same time) accept the services of such one of them as may be entitled by the law or regulations for the time being in force in such district to have his services accepted; or
- (c.) Having signalled for a pilot, does not accept the services of any licensed pilot offering them in consequence of such signal,—

such ship shall be liable to pay, if in the pilotage district of Quebec, to the Corporation of Pilots for and below And to whom.

below the Harbour of Quebec, and if elsewhere, to the pilotage authority of the district, as pilotage dues, the same sum as would have been payable to such licensed pilot if his services had been accepted.

Application of sums payable as aforesaid.

3. All sums received by any pilotage authority in pursuance of this and the next preceding section, shall be applied by them as follows :—

- (a.) In paying all expenses incurred in obtaining payment of the same ;
- (b.) Then, in paying to the pilot who offered his services to the ship, and (if two pilots offered) to that one who was entitled to have his services accepted, such amount (if any) as they may by any by-laws made under this Act, from time to time, make payable to such pilot ;
- (c.) And the residue shall be carried to the pilot fund of the district.

Signals to be displayed by ships requiring pilots, &c.

61. In case any ship requires the services of a pilot, or, not having a pilot, has entered or is in any district or part of a district where such ship is subject to a compulsory payment of pilotage dues, the master of such ship shall display the following signals, that is to say,—

- (a.) In the day time :—To be hoisted at the fore, the Jack or other national color usually worn by merchant ships, having round it a white border, one fifth of the breadth of the flag ;
- (b.) At night :—
 - (1.) A blue-light every fifteen minutes ; or
 - (2.) A bright white-light, flashed or shown at short or frequent intervals, just above the bulwarks, for about a minute at a time.

Penalty for misuse of signals.

62. Any master of a ship who

- (1.) Displays such signals for any other purpose than that of summoning a pilot ; or
 - (2.) Uses any other signal for a pilot,
- shall incur a penalty not exceeding one hundred dollars.

No exemption from payment of dues when pilot taken voluntarily.

63. No ship shall be exempt on any ground whatever from the liability to pay pilotage dues earned by any licensed pilot voluntarily taken on board of such ship by the master for the purpose of piloting her, whether the payment of pilotage dues be or

be not. for the time being, otherwise compulsory in the district in which such pilotage dues are earned.

64. Every master of an exempted ship, when navigating such ship without a pilot in any pilotage district, or part of a pilotage district, within the limits of which she is for the time being an exempted ship, shall, as regards the conduct and management of such ship within such limits, have all the powers and duties which are by law or usage possessed by or imposed upon any licensed pilot for such district.

Powers and duties of master of exempted ship, navigating her without a pilot.

LICENSING OF MASTERS AND MATES.

65. A master or mate of any ship may, upon giving due notice, and consenting to pay the usual expenses, apply to any pilotage authority (other than the pilotage authority of either of the pilotage districts of Quebec, Montreal, Halifax or St. John) to be examined as to his capacity to pilot the ship of which he is master or mate within any part of the district over which such pilotage authority has jurisdiction; and such master or mate shall thereupon be examined, and, if found competent, a pilotage certificate shall be granted to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within which he is to pilot the same,—such limits to be within such jurisdiction as aforesaid; and such certificate shall enable the person therein named to pilot the ship or any of the ships therein specified, of which he is acting as master or mate at the time (but no other) within the limits therein described, as if he were a licensed pilot; and such certificate may be in the form of the Second Schedule of this Act, or any like form.

Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships in certain places.

Form of certificate.

66. Such pilotage certificate shall not be in force for more than one year, unless the same is renewed, which may, from time to time, be done by an endorsement under the hand of the Secretary or other officer of the authority by whom such certificate was granted.

Renewal of pilotage certificate.

67. All masters or mates to or for whom any such pilotage certificates as aforesaid are granted or renewed by any pilotage authority, shall pay to such authority or as they direct, such fees upon their respective certificates and upon the renewals thereof, as are from time to time fixed for that purpose by such authority with the consent of the Governor in Council.

Fees to be paid upon such certificate, and the renewal thereof.

Such fees shall, in the case of certificates granted or renewed by a pilotage authority, be applicable either to paying the expense of the examinations, or any other general expenses connected with pilotage incurred by such authority, or to the Pilot Fund of the district (if any), or otherwise for the benefit of the pilots licensed by such authority, as such authority think fit.

Application of such fees.

Power to withdraw pilotage certificate.

68. If at any time it appears to any pilotage authority that any master or mate to whom a pilotage certificate has been granted by such authority, has been guilty of drunkenness or misconduct, or has shown himself incompetent to pilot his ship, they may thereupon withdraw his certificate; and such certificate shall thenceforth cease to be of any effect whatever, and shall be forthwith produced and delivered up by such master or mate to such pilotage authority; in default of which such master or mate shall incur a penalty of forty dollars; and any court of summary jurisdiction may, besides inflicting such penalty, by summary order direct such license to be forthwith delivered up to such pilotage authority.

No owner to be free from liability by reason of employing a licensed pilot.

69. Nothing in this Act shall be deemed to oblige the owner or master of any ship to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise, or to exempt any owner or master of any ship from liability for any loss or damage being occasioned by his ship to any person or property, on the ground either of such ship being in the charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot, or on any other ground.

OFFENCES OF PILOTS.

Offences by pilots.

70. If any licensed pilot commits, either within or without the district for which he is licensed, any of the following offences:—

- (1.) Commits any fraud or offence against the revenues of customs or inland revenue or the laws relating thereto;
- (2.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels;
- (3.) Lends his license;
- (4.) Acts as pilot whilst suspended;
- (5.) Acts as pilot when in a state of intoxication;
- (6.) Employs or causes to be employed, on behalf of any ship of which he has the charge, any steamboat, boat, anchor, cable, or other store, matter or thing, beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain, or for the gain of any other person;
- (7.) Refuses, or delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his license, upon the signal for pilot.

pilot being made by such ship, or upon being required to do so by the master, owner, agent or consignee thereof, or by any officer of the pilotage authority of the district for which such pilot is licensed, or by any principal officer of Customs; subject always in the case of a pilot for and below the Harbour of Quebec, to the laws relating to the Corporation of Pilots for and below the Harbour of Quebec;

Attempts, upon being so signalled or required, to make any special bargain for salvage;

Unnecessarily cuts or slips, or causes to be cut or slipped, any cable belonging to any ship;

Refuses, when requested by the master, to conduct the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship; or

Quits the ship which he has undertaken to pilot without the consent of the master, before the service for which he was hired has been performed,—

ot shall, for each offence, in addition to any liability Liability to damages and penalty. incur a penalty not exceeding two hundred and also be liable to suspension or dismissal by the authority of the district for which he is licensed; and person who procures, abets or connives at the commission of an offence, shall, for each offence, in addition to any liability incur a penalty not exceeding two hundred dollars, and if he is a licensed pilot, be also liable to suspension or dismissal by the pilotage authority of the district for which he is licensed.

f any pilot, when on board any ship for the purpose of conducting her, by breach or neglect of duty, or by reason of negligence, either Penalty on pilot endangering ship, or life or limb of any person on board.

Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship, or

Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb,

For each such offence, be deemed guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding

ceeding twelve months, with or without hard labor; and, if a licensed pilot, shall also be liable to suspension or dismissal by the pilotage authority of the district for which he is licensed.

Penalty on person endangering ship by misrepresentation of circumstances!

72. If any person, by any misrepresentation of circumstances upon which the safety of a ship may depend, or by using a license to which he is not entitled, becomes employed or endeavors to be employed to pilot such ship, or enables or endeavors to enable any other person to be so employed, or obtains or endeavors to obtain for himself or any other person the charge of such ship, he shall, in addition to any liability for damages, incur a penalty not exceeding two hundred dollars, and, if a licensed pilot, shall also be liable to suspension or dismissal by the authority by whom he is licensed.

Penalty on pilot demanding or receiving more than his legal dues.

73. A licensed pilot demanding or receiving any sum in respect of pilotage services greater than the dues for the time being demandable by law shall, for each offence, incur a penalty not exceeding forty dollars.

PILOT BOATS.

Pilot boats to be licensed.

74. All pilot boats regularly employed (elsewhere than in the pilotage district of Quebec) shall be approved and licensed by the pilotage authority of the district, in which they are employed.

Characteristics of decked pilot-boat,

75. Every pilot boat, wholly or partly decked, shall have the following characteristics:—

- (1.) On her stern, her name, the name of the owner, or (if owned by more than one person) the name of her managing owner, or (if owned by a corporation) the name of that corporation, and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her license;
- (2.) In all other parts, a black color, painted or tarred outside, or such other color or colors as the pilotage authority of the district, with the consent of the Minister, directs;
- (3.) When afloat during the day time, a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colors, the upper horizontal half white, and the lower horizontal half red: and at night two lights (in this Act called pilot lights) one above the other, the upper light white, the lower light red, —such pilot flag or pilot lights respectively to be placed at the mast head, or on a sprit or staff, or in some other equally conspicuous situation.

Responsibility of Master.

And the master of every such wholly or partly decked pilot boat shall be responsible for the following particulars:—

(a.) That the pilot boat possesses all the above characteristics, and that the pilot flag and pilot lights be kept clean and distinct, so as to be easily discerned at a reasonable distance ;

(b.) That the names and numbers aforesaid be not at any time concealed or altered ;

if default be made in any of these particulars, he shall, for such offence, incur a penalty not exceeding eighty dollars. Penalty in default.

6. Every pilot boat, neither wholly nor partly decked, shall have the following characteristics :— Characteristics of open pilot-boat.

(1.) On her bow or stern her name, the name of her owner, the port or place at which her owner resides, and the number of her license, painted in white letters, at least two inches long, on a dark ground ;

(2.) When afloat during the day-time a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colors, the upper horizontal half white, and the lower horizontal half red.

And the master or person in charge of every such neither wholly nor partly decked pilot boat shall be responsible for the following particulars :— Responsibility of Master.

(a.) That the pilot boat possess all the last above mentioned characteristics, and that the pilot flag be kept clean and distinct, so as to be easily discerned at a reasonable distance ;

(b.) That the names and numbers aforesaid be not at any time concealed or altered ;

And if default be made in any of these particulars, he shall, for every such offence, be liable to a penalty not exceeding forty dollars. Penalty in default.

7. Every pilot, when on board and in charge of any ship, as a pilot, shall display a pilot flag under the ensign of such ship, or in some other equally conspicuous situation, and if he fail to do so, shall incur a penalty not exceeding eighty dollars. Pilot flag under ensign of ship piloted.

The master of every such ship shall permit such flag to be displayed, and in default shall incur a penalty not exceeding eighty dollars.

8. Whenever a licensed pilot, in the exercise of his calling as a pilot, goes off in a boat or ship not in the pilotage service, he shall exhibit during the day time a pilot flag, and at night pilot lights, Licensed pilot to exhibit pilot flag and lights, though not in pilot boat.

in order to show that such boat or ship has a licensed pilot on board ; and if he fails to do so, without reasonable cause (proof whereof shall lie on him), he shall for every such offence incur a penalty not exceeding two hundred dollars.

Penalty on
boat or ship
not having a
pilot on board
displaying
pilot flag or
pilot lights.

79. If a boat or ship, not having a licensed pilot on board displays a pilot flag or pilot lights, the owner or master of such boat or ship shall for every such offence incur a penalty not exceeding two hundred dollars.

PILOT FUND.

Contributions
to Montreal
Decayed
Pilots Fund.

80. Every pilot for and above the Harbour of Quebec, shall continue to contribute to the Montreal Decayed Pilots Fund, five per cent out of every sum of money he shall be entitled to receive for pilotage, until the Montreal Harbour Commissioners by by-law otherwise determine ; after which every such pilot shall contribute to the said fund, so much—not exceeding seven per cent., of all moneys, to which he shall be entitled under this Act for pilotage, as the Montreal Harbour Commissioners may, by by-law from time to time, determine.

Contributions
to the Pilot
Fund at
Quebec.

81. The Treasurer of the Corporation of Pilots for and below the Harbour of Quebec, shall pay over to the Treasurer of the Trinity House of Quebec, on the first day, not being a Sunday or holiday in each month, seven per cent on all sums received by him during the then next preceding month for pilotage dues or dues for other services for which the pilots' tariff allows pay, earned by members of the said corporation ; and may, from time to time, examine any such member on oath (which oath he is hereby authorized and empowered to administer) as to the amount of any such dues received by him ; and all sums received by the said Treasurer under this section shall form part of the pilot fund.

Penalty on
pilot giving
a false account
of his earn-
ings.

82. In case any pilot, by or upon whom any contribution to any pilot fund is to be made or levied in proportion to his earnings, under any by-law of any pilotage authority duly confirmed and published, gives a false account of his earnings or makes default in payment of any sum due from him as such contribution, he shall forfeit double the amount so payable, and shall further be liable at the discretion of the pilotage authority of his district, to suspension or dismissal.

Application
of pilot funds.

83. Every pilot fund shall be applied as follows, in the following order, that is to say :—

- (1.) In payment of such necessary expenses as the pilotage authority may duly incur in the administration of such fund ;

- (2.) Then in the payment of superannuation allowances, or other relief, for the benefit of those pilots licensed by them, who are incapacitated by reason of age, infirmity or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only.

84. And every sum of money belonging to any pilot fund which shall not have been employed in such payments as aforesaid, including sums of money forming part of pilot funds existing at the commencement of this Act of which re-investment may become necessary, shall be invested in Dominion stock or other Government securities approved by the Governor in Council in the name of the pilotage authority having control of the fund to which such sum of money belongs.

Investment
of surplus of
pilot funds.

CORPORATION OF PILOTS FOR AND BELOW THE HARBOUR OF QUEBEC.

85. The Board of Directors of the Corporation of Pilots for and below the Harbour of Quebec, shall have power, from time to time, to select any of the pilots, members of the said corporation, to be masters of any schooners under their control, and to remove them; and any such pilot so selected shall be bound to serve as such master until removed as aforesaid, under a penalty of one hundred dollars, to form part of the pilot fund, and to be sued for and recovered in the same manner and form as other penalties incurred by pilots.

Power to
directors to
appoint and
remove
masters of
schooners
belonging
to the
Corporation.

86. Any pilot in charge as such master of a schooner employed in the pilotage district of Quebec, may be, for neglect or omission in the discharge of his duties, on complaint brought against him by any party aggrieved, condemned by the Trinity House of Quebec to pay a fine not exceeding forty dollars and costs,—to be sued for, recovered and applied in the same manner and form as other penalties incurred by pilots.

Penalty on
master of
schooner
neglecting or
omitting to
do his duty
as such.

87. The Board of Directors of the Corporation of Pilots for and below the Harbour of Quebec shall have the power to pay out of the funds of the said corporation, to each of its Directors, and shall pay to each of the masters of the schooners of the said corporation a remuneration not exceeding in any one year one hundred dollars over and above his share in the net income of the said corporation.

Power to pay
directors and
masters.

88. At all times during the season of navigation in the River St. Lawrence below Quebec, there shall be on duty and personally present at one of the pilot stations, one of the Directors of the said corporation, whose duty it shall be—

One director
to be always
on duty at one
of the pilot
stations.

- (1.) To enforce the execution of the duties in regard to the embarkation and disembarkation of pilots, and the conduct of pilots and apprentices on board the pilot schooners;

(2.)

- (2.) To keep a journal of occurrences, and note therein any absence of any schooner from its station, and the time and cause and duration of such absence, and every time when and place where such schooner anchors, and the length of time she remains at anchor ;

Journal of
such Director

And the journal or copy of the journal of such Director shall be transmitted monthly by the said Board of Directors to the Trinity House of Quebec.

APPLICATION OF PENALTIES.

Penalties paid
by pilots to
go to pilot
funds, if any,
those paid by
others to be
applied as the
Governor
in Council
may direct.

89. Every pecuniary penalty paid by a licensed pilot for an offence against the provisions of this Act, or a breach of any by-law made under this Act, shall be paid into and form part of the pilot fund of the pilotage district in which the offence or breach has been committed, if any there be, and if there be no such fund in such district, shall be paid and applied in such manner as the Governor in Council shall, from time to time, direct; and every pecuniary penalty paid by any person other than a licensed pilot for any such offence or breach, shall be paid and applied in such manner as the Governor in Council may, from time to time, direct—except in the pilotage district of Quebec, in which every such last-mentioned pecuniary penalty shall be paid into and form part of the funds of the Trinity House of Quebec.

LIMITATION OF SUITS AND PROSECUTIONS.

No suit, &c.,
to be brought
after twelve
months from
commission
of offence.

90. In no case shall any suit be brought or proceeding instituted for the recovery of any penalty or the infliction of any punishment for any offence against the provisions of this Act, or for any breach of any by-law made under this Act, after six years from the date of the commission of such offence or breach.

Saving clause
as to Trinity
House of
Quebec.

91. Nothing in this Act shall be construed to give power to the Trinity House of Quebec to make regulations respecting the management or maintenance of pilot boats, or respecting the administration or distribution of the earnings of pilots and pilot boats, save and except in so far as relates to the administration of the pilot fund.

Repealing
clause.

92. The Acts and parts of Acts mentioned in the third Schedule hereunto annexed are hereby repealed, as are also all other Acts and parts of Acts and provisions of law contrary to or inconsistent with the provisions of this Act.

FIRST SCHEDULE.

FORM OF LICENSE TO PILOT.

DOMINION OF CANADA.
Pilotage District of _____,
We _____ being the pilotage authority having by law power to
examine and license pilots for the pilotage district of _____, do hereby
certify that _____ of _____, having been duly examined by
us, has been found in all respects duly qualified, and is deemed by us to be a fit person
to undertake the pilotage of vessels of every description, within and throughout the
said pilotage district of _____, and on this _____ day of _____ A.D., 18 _____,
is by us licensed to act in that capacity.

This license cannot be lent or transferred.

Description of _____ of _____

Age.	Height.	Complexion.	Color of Hair.	Color of Eyes.	Marks.	Remarks.

SECOND SCHEDULE.

FORM OF PILOTAGE CERTIFICATE.

DOMINION OF CANADA.
Pilotage District of _____,
We _____ being the pilotage authority
having by law power to license pilots for the pilotage district of _____
do hereby certify that _____ of _____ Master (or Mate as the
case may be) of the _____, having been duly examined by us, has been
found in all respects duly qualified, and is deemed by us to be a fit person, to under-
take the pilotage of the said _____ and of any vessel of her
class of which he may be acting as master (or mate as the case may be) at the time, but
no other, within and throughout the following limits in the said pilotage district of
_____, that is to say (here describe the limits), and on
this _____ day of _____ A.D. 18 _____, is by us
licensed in that capacity.

This certificate is good for one year only, and cannot be lent or transferred.

THIRD SCHEDULE.

ACTS OF THE LEGISLATURE OF THE LATE PROVINCE
CANADA REPEALED.

Year and Chapter.	Title of Act.	Extent of re
12 Vict., c. 114 ...	An Act to consolidate the laws relative to the powers and duties of the Trinity House, Quebec, and for other purposes.	Sections fifteen, eighteen, ninety-two, so much twenty-three as Pilots causing vessels under the or being the their sustaining twenty-four, twenty-six, twenty-nine, thirty-five, thirty-eight, forty-one, forty-two, forty-five, forty-seven, forty-nine, fifty, fifty-two, fifty-four, fifty-five, fifty-seven, fifty-nine, sixty-one, and sixty-three
12 Vict., c. 117 ...	An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof.	Sections twenty, twenty-three so lates to exempt and the master and so far as it said sections con this Act.
13 & 14 Vict., c. 95	An Act to amend the Act relating to the Trinity House at Montreal.	The whole.
13 & 14 Vict., c. 96	An Act to repeal certain provisions of an Act passed in the last session of the Provincial Parliament, and intituled: <i>An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes</i> , and to exempt masters of vessels belonging to Lower Canada from taking pilots in certain cases.	
14 & 15 Vict., c. 101	An Act to correct a clerical error in the English version of the Act of the last session, exempting masters of vessels belonging to Lower Canada from taking pilots in certain cases.	The whole.
27 & 28 Vict., c. 57	An Act to amend the Act twelfth Victoria, chapter one hundred and fourteen, relative to the powers and duties of the Trinity House of Quebec, and for other purposes.	The whole.
27 & 28 Vict., c. 58	An Act to amend the Act passed in the twelfth year of Her Majesty's reign, relating to the Trinity House at Montreal.	Sections nine and The whole.

ACTS OF THE LEGISLATURE OF THE PROVINCE OF
NOVA SCOTIA REPEALED.

Revised Statutes.—Third Series.

Id Chapter.	Title of Act.	Extent of repeal.
:79	Of Pilotage, Harbors, and Harbor Masters.	Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and thirty-four, and schedule A.

IS OF THE LEGISLATURE OF THE PROVINCE OF NEW
BRUNSWICK REPEALED.

Revised Statutes.

r 64	Of Rules and Regulations.	So much of section one as is in the words following, to wit: " <i>Fourteenth</i> —For the government of pilots, and for fixing the rate of pilotage.
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Acts passed since the revision of the Statutes.

., c. 70	An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of pilotage, beyond the limits now prescribed by Charter.	The whole.
t., c. 16	An Act relating to Pilots.	
t., c. 7	An Act to revive and make perpetual an Act intituled: An Act to extend the jurisdiction of the Corporation of Saint John, for the regulation of the rates of Pilotage beyond the limits now prescribed by Charter."	The whole.

AW OF THE COLONY OF BRITISH COLUMBIA REPEALED.

t., No. 87	An Ordinance to assimilate the laws for the regulation of pilotage in all parts of the colony of British Columbia.	The whole.
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ACTS OF THE PARLIAMENT OF CANADA REPEALED.

Year and Chapter.	Title of Act.	Extent of repeal.
31 Vict., c. 58	An Act respecting the navigation of Canadian waters.	Section fourteen.
32 & 33 Vict., c. 41	An Act to place all Canadian vessels on an equal footing as regards pilotage in the Port of Quebec, and for other purposes respecting pilotage.	The whole.
35 Vict., c. 43	An Act respecting the appointment and powers of Commissioners of Pilots for the coasts and harbors of the County of Charlotte.	The whole.

CHAP. 55.

An Act respecting Wreck and Salvage.

Preamble.

[Assented to 23rd May, 1873.]

Short title.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commence-
ment.

1. This Act may be cited for all purposes as “The Wreck and Salvage Act, 1873.”

Definitions.

2. This Act shall come into operation upon, from and after the first day of January, one thousand eight hundred and seventy-four.

3. In this Act—

The term “the Minister,” means the Minister of Marine and Fisheries ;

[NOTE.
The figures
under the
marginal notes
refer to provi-
sions in Im-
perial Acts on
like matters.]

The word “Master,” includes every person having command or charge of any vessel ;

The word “Vessel” includes every description of vessel used in navigation ;

The word “Tackle,” used in relation to a vessel, includes all furniture and apparel thereof ;

The word “Goods” includes wares and merchandize of every description.

Appointment
of receivers of
wreck.
17 & 18 V.
c. 104. s. 439.

Appointment of Receivers of Wreck.

4. The Minister of Marine and Fisheries shall, throughout Canada, have the general superintendence of all matters relating to

wreck and to shipping casualties; and the Governor may, from time to time, appoint any officer of customs or, where it appears to him to be more convenient, any other person, to be a Receiver of Wreck, (in this Act referred to as Receiver); and may, from time to time, remove any Receiver; and may from time to time, by Order in Council, establish, alter or abolish districts for the purposes of this Act, and assign a district to any Receiver, and may vary such district from time to time; and may from time to time make and vary regulations for the conduct of Receivers, subject to the provisions of this Act. And if, at any time, there be not any Receiver appointed for any district in which the City of Quebec, or the City of Halifax, or the City of St. John is included, then the Agent of the Department of Marine and Fisheries at such City shall be the Receiver for such district; and if, at any time, there be not any receiver appointed for any other district, then the principal officer of customs at the principal port in such district, shall be the receiver for such district.

Receivers *ex officio* where none especially appointed.

A Receiver acting in execution of his duties, in pursuance of this Act, shall have all the same powers and authorities as a principal officer of Customs or other person acting or appointed under the Act respecting inquiries and investigations into shipwrecks and other matters," passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter thirty-eight; and any person wilfully impeding a Receiver in the execution of his duty or making default in appearing or giving evidence before him, shall be subject to the like penalties as if the Receiver were principal officer of Customs or other person acting or appointed under the said Act.

Powers of receivers as to inquiries under 32, 33 V.c.38.

Vessels wrecked or in Distress.

5. Where any British or foreign vessel is wrecked, stranded or in distress at any place within the limits of Canada, the Receiver shall, upon being made acquainted with such stranding or distress, forthwith proceed to such place; and upon his arrival there he shall take the command of all persons present, and shall assign such duties and issue such directions to each person as he thinks fit for the preservation of such vessel, and of the lives of the persons belonging to or on board the same (in this Act referred to as shipwrecked persons,) and of the cargo, stores and tackle on board, and of the property of such persons, and of all parts of the vessel separated therefrom (which cargo, stores, tackle, property and parts are, in this Act, included under the expression "wreck)."

Powers as to vessels stranded or in distress. 17 & 18 V. c. 104. s. 441.

Any person disobeying such directions of the Receiver shall incur a penalty not exceeding two hundred dollars:

Penalty for disobeying him.

Provided always that nothing in this Act shall be construed to authorize the Receiver to take charge of any ship, cargo, or materials contrary to the expressed wish of the master or owner of the ship or cargo, or of their agents.

Proviso.

Further powers of the receiver in such cases.

6. The Receiver may, with a view to the preservation of the vessel, or of the shipwrecked persons or wreck, do all or any of the following things, that is to say,—

17 & 18 V.
c. 104. s. 442.

- (1.) Require such persons as he thinks necessary to assist him
- (2.) Require the master of any vessel near at hand, to give such aid with his men, or vessel as may be in his power :
- (3.) Demand the use of any waggon, cart, horses, tackle, rope or appliances that may be near at hand :

Penalty for disobedience.

And any person refusing, without reasonable cause, to comply with any such requisition or demand, so made as aforesaid, shall for every day on which he refuses, incur a penalty not exceeding twenty dollars.

Power to pass over adjoining lands. 17 & 18 V. c. 104. s. 446.

7. Whenever any vessel is wrecked, stranded or in distress within the limits of Canada, all persons may, for the purpose of rendering assistance to such vessel, or of saving the lives of the shipwrecked persons or any wreck, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands, without being subject to interruption by the owner or occupier,—so that they do as little damage as possible; and may also, on the like condition, deposit on such lands any wreck saved.

As to damages, by such passing.

All damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the vessel or wreck in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is by this Act made recoverable; and the amount payable in respect thereof shall, in case of dispute, be determined in the same manner as the amount of salvage is by this Act, in case of dispute, directed to be determined: Provided, that no such compensation shall be recoverable in respect of damage to any gate, wall, fence or other obstruction which may have been unreasonably erected or placed by such owner or occupier so as to impede such passing, repassing or deposit.

Penalty for certain acts of obstruction.

If the owner or occupier of any land over which any person is hereby authorized to pass or repass does any of the acts following by himself or his servants, that is to say,—

- (1.) Impedes or hinders such person from so passing or repassing with or without carriages, horses and servants, by locking his gates, or refusing, upon request, to open the same, or otherwise howsoever; or
- (2.) Impedes or hinders the deposit of any wreck; or

- (3.) Prevents such wreck from remaining so deposited for a reasonable time until the same can be removed to a safe place of public deposit—

he shall for every such act incur a penalty not exceeding four hundred dollars.

8. Whenever any vessel is wrecked, stranded or in distress within the limits of Canada, and any person plunders, creates disorder, or obstructs the preservation of the vessel, or of the shipwrecked persons or wreck, the Receiver may cause such person to be apprehended and kept in custody until he can conveniently be taken before a Justice of the Peace to be dealt with according to law; and may use force for the suppression of any such plundering, disorder or obstruction, and may command all Her Majesty's subjects to assist him in the use of such force; and if, when the Receiver or any person acting under his orders is engaged in the execution of the duties by this Act committed to the Receiver, any person resists such Receiver or person, and is killed, maimed or hurt by reason of such resistance, such Receiver and other person are hereby fully indemnified as well against Her Majesty as against every person so maimed or hurt, and the representatives of any person so killed.

Power of receiver to suppress plunder and disorder by force.
17 & 18 V.
c. 104. s. 444.

9. Whenever any vessel is wrecked, stranded or in distress within the limits of Canada, any person not being a Receiver, or a person acting for or under the orders of a Receiver, who, without the leave of the master of such vessel, endeavours to board the same, may be repelled by force; and the master and any person under his orders so repelling such person by force are hereby indemnified for so doing.

Power of master to repel boarding by force.
17 & 18 V.
c. 104. s. 473.

10. Where a Receiver is not present, the following officers or persons in succession, each in the absence of the other, in the order in which they are named, (that is to say,) any principal officer of customs, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the Government of Canada, and employed in the service of protecting the fisheries, officer of inland revenue, sheriff, justice of the peace, commissioned officer on full pay in the naval service of Her Majesty, or commissioned officer on full pay in the military service of Her Majesty, or light house keeper employed by the Government of Canada, may do all matters and things by this Act authorized to be done by the Receiver, for the preservation of vessels, shipwrecked persons and wreck, with this exception, that,—with respect to any wreck, the delivery of which to the Receiver is hereby required, any officer or person so acting shall be considered as the agent of the Receiver, and shall place the same in the custody of the Receiver; and he shall not be entitled to any fees payable to Receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Certain officers to exercise powers of receiver in his absence.
17 & 18 V.
c. 104. s. 445.

Saving of fees and right to salvage.

any

Persons acting under *ex officio* receivers.

Any person acting under the order of an officer or person in pursuance of the provisions of this section shall for the purposes of this Act be deemed to be acting under the orders of a Receiver.

Wreck.

Rules for persons finding wreck in Canada.
17 & 18 Vict. c. 104.
ss. 443. 450.

11. Where any person takes possession of wreck within the limits of Canada, he shall, as soon as possible, deliver the same to the Receiver: Provided that the Minister of Marine and Fisheries may, if he thinks fit, dispense with such delivery in the case of any wreck, upon such conditions, if any, as the said Minister may think fit.

Any person taking possession of wreck within the limits of Canada, who—

- (1.) Fails to deliver the same to the Receiver, in pursuance of this section, or who
- (2.) In a case where the Minister has dispensed with such delivery upon any conditions, does not either comply with such conditions or deliver the wreck to such Receiver as soon as possible,—

shall forfeit any claim to salvage, and shall be liable to pay a penalty double the value of such wreck, and a further sum not exceeding four hundred dollars.

Notice of wreck to be given by receiver.
17 & 18 V. c. 104. s. 452.

12. Every Receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up in the custom-house nearest to the place where such wreck was found or was seized by him, or delivered to him, a description of the same and the marks by which it is distinguished; and shall also transmit a description of the same to the Minister of Marine and Fisheries, who shall give such publicity to the same as he may see fit.

Owner may claim wreck within one year.
17 & 18 V. c. 104. s. 470.
18 & 19 V. c. 91. s. 19.

13. The owner of any wreck in the possession of the Receiver, upon establishing his claim to the same to the satisfaction of the Minister of Marine and Fisheries, within one year from the date at which such wreck came into the possession of the Receiver, upon paying the salvage, fees and expenses due, be entitled to have such wreck or the proceeds thereof delivered up to him or his agent; and where any such wreck is proved, to the satisfaction of the Minister of Marine and Fisheries, to belong to a foreign owner, the Consul General in Canada of the country to which such wreck belongs, or any consular officer of that country authorized in that behalf by any treaty or arrangement with that country, shall, in the absence of the owner or his agent, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wreck.

Power to receiver to sell wreck in case of emergency.

14. With respect to the sale of wreck the following provisions shall have effect; that is to say,—

Where in the opinion of the Receiver it is for the advantage of all parties to sell wreck in his custody or where such wreck consists of goods of a dangerous nature, he may sell the same; and the proceeds of such sale, after defraying the expenses thereof, shall be held by the Receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold :

tain cases.
17 & 18 V.
c. 104.
ss. 453, 459.

Where the owner of any wreck is known or has established his title to the same, but neglects to pay the salvage, fees or expenses due thereon for twenty days after notice in writing from the Receiver, the Receiver may sell such wreck, or a sufficient part thereof, and may, out of the proceeds of such sale, after defraying the expenses of sale, pay the salvage, fees and expenses due, and shall pay or deliver the surplus, if any, of the proceeds or of the wreck to the persons entitled to receive the same.

Unclaimed Wreck.

When one year has elapsed since a wreck came into the possession of a Receiver without any owner having established a claim to the wreck, if unsold, shall be sold by such persons and in such manner as the Minister of Marine and Fisheries may direct;—and the proceeds thereof, after payment of expenses, costs, fees and salaries, shall be paid over to the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Sale of un-
claimed wreck.

Upon delivery of wreck or payment of the proceeds of such wreck by a Receiver, in pursuance of the provisions of this Act, such Receiver shall be discharged from all liability in respect thereof; and such delivery or payment shall not prejudice or affect any claim which may be raised by third parties concerning such wreck.

Delivery of
unclaimed
wreck by
receivers not
to prejudice
title.
25 & 26 V.
c. 63, s. 52.

In any case where two or more persons claim any wreck or the proceeds of wreck, of what value or amount soever, in the possession of a Receiver, any court sitting, and having jurisdiction in matters to the value or amount of the wreck or proceeds thereof, in the district of such Receiver, may, on the application of such Receiver or of any of such persons, summon such persons before it; and may hear and adjudicate upon their claims, and may make such order between the parties in respect thereof, as to the costs of the proceedings, as to such court may seem just; and such order may be enforced in like manner as any order made in any suit brought in the same court.

Interpleader
in case of
wreck.

Marine Store Dealers.

Every person dealing in, buying and selling any of the following, that is to say,—old anchors, cables, sails, junk, or iron,

Regulations
for marine
store dealers.

17 & 18 V. iron, or marine stores of any kind, shall conform to the fr
c. 104. regulations, in addition to those prescribed by section o
ss. 480., 481., dred and nine of the Act passed in the session held in the
482, and Act second and thirty-third years of Her Majesty's Reign,
of Canada, 32, twenty-one :—
33 V., c. 21
s. 109.

(1.) He shall have his name, together with the words "marine stores," distinctly painted, in letters of not less than three inches in length and two inches in breadth, in a conspicuous part of each warehouse, shop, store or place of deposit belonging to him :

(2.) He shall keep a book or books fairly written, and shall therein an account of all such articles as he may from time to time become possessed of, and a statement of the value of each article, describing the character thereof, and of any marks thereon, and of the time at which he received the same from the person from whom he purchased or received the same, and a description of the business and place of abode of the person :

(3.) He shall at all times, when required by the Receiver for the district in which he carries on business, or not the Receiver has a warrant for search or inspection, produce and deliver up to the Receiver every book or paper in pursuance of the provisions of this Act, and shall allow such Receiver to inspect and take copies of the same :

Penalty for
infraction.

And every person making default in observing the regulations aforesaid shall for the first offence incur a penalty of not more than forty dollars; and shall for every subsequent offence incur a penalty of not more than two hundred dollars.

Offences in respect of Wreck.

Felonies in
respect of
wrecks.

19. Every person who does within the limits of the Province of Canada any of the acts following; that is to say,—

24 & 25 V.
c. 100. s. 17.

(1.) Prevents or impedes or endeavors to prevent or impede any shipwrecked person in his endeavor to save his life or property; or prevents or impedes, or endeavors to prevent or impede any person in his endeavor to save the life of any shipwrecked person;

17 & 18 V.
c. 104. s. 478.

(2.) Prevents or impedes, or endeavors to prevent or impede the saving of any vessel which is wrecked, stranded, abandoned, or in distress; or prevents or impedes, or endeavors to prevent or impede, any person in his endeavor to save any vessel;

24 & 25 V.
c. 98. s. 64.
c. 97. s. 49.

(3.) Steals or maliciously destroys any wreck; or

(4.) Sells any vessel or wreck found within the limits of the Dominion not having a lawful title thereto,— 17 & 18 V.
c. 104. s. 479.

Shall be deemed to be guilty of felony, and on conviction thereof, shall be liable to be imprisoned in the Penitentiary for a term not exceeding seven years, nor less than two years, or to be imprisoned in any other gaol or place of imprisonment for any time less than two years, with or without hard labour. Punishment.

20. Every person who does within the limits of the Dominion of Canada any of the acts following; that is to say,— Misdemeanor
in respect of
wrecks.

(1.) Boards any vessel which is wrecked, stranded or in distress, against the will of the master, unless the person so boarding is, or acts by command of, the Receiver; 17 & 18 V.
c. 104. s. 478.

(2.) Assaults any Receiver or any person acting as a Receiver in the exercise of his duty for the preservation or assistance of any such vessel, or of wreck, or assaults any person acting by command of a Receiver in the exercise of his duty as aforesaid; 24 & 25 V.
c. 100. s. 37.

(3.) Prevents or impedes, or endeavors to prevent or impede the saving of any wreck;

(4.) Secretes any wreck, or defaces or obliterates the marks thereon, or uses means to disguise the fact that it is wreck, or in any manner conceals the character thereof, or the fact that the same is such wreck, from any person entitled to inquire into the same; 17 & 18 V.
c. 104. s. 478.

(5.) Receives any wreck, knowing the same to be wreck, from any person other than the owner thereof or the Receiver, and does not within forty-eight hours inform the Receiver thereof; or

(6.) Offers for sale or otherwise deals with any wreck, knowing it to be wreck, not having a lawful title to sell or deal with the same; or 24 & 25. V.
c. 96. s. 66

(7.) Keeps in his possession any wreck, knowing it to be wreck, without a lawful title so to keep the same, for any time longer than the time reasonably necessary for the delivery of the same to the Receiver,— 24 & 25 V.
c. 96. s. 65.

shall be deemed to be guilty of a misdemeanor, on conviction whereof he shall be liable to be imprisoned for any time not exceeding two years with or without hard labour; or of an offence against this Act, on summary conviction whereof, before any two Justices of the Peace, or any magistrate having the powers of two Justices of the Peace, he shall be liable to be imprisoned for a period not exceeding six months, or to pay a penalty not exceeding four hundred dollars. Punishment.

Venue and evidence in prosecutions for offences in respect of wrecks.

See 24 & 25 V. c. 96. ss. 65, 66.

21. Any person charged with a felony or misdemeanor under this Act may be indicted and prosecuted, and the venue laid in any county or locality; and in any indictment or prosecution under this Act, for any felony or misdemeanor in respect of wreck, it shall not be necessary to lay the property of the person, or to identify the alleged wreck as part of any particular vessel or wreck coming from any particular vessel, or property of any particular person.

Tribunal for trying offenders.

Any penalty, forfeiture or punishment, for any offence under this Act, not being hereby made a felony or misdemeanor, may be imposed, adjudged and recovered, on summary conviction before any two Justices of the Peace, or any magistrate exercising the powers of two Justices of the Peace.

Indictments for certain offences.

In any indictment or prosecution for receiving, secreting, disguising, defacing, obliterating marks on, or for the possession of, or for selling or dealing with any wreck (unless the accused shows that he was possessed of the same for more than three months before the date of the indictment or the commencement of the prosecution), it shall lie upon him to show that he did not know and had not the means of knowing the same to be a wreck, or that he was lawfully possessed of or entitled to deal with the same; and in any indictment or prosecution for secreting, defacing, receiving, possessing, selling, dealing with, or concealing the character of any wreck, evidence may be given either before or after verdict, of any former conviction of the accused for any of the said offences. In any proceeding under this section the accused may, if he think fit, be sworn and examined as an ordinary witness in the case.

Summary procedure for concealment of wreck.

17 & 18 V. c. 104. s. 451. See 24 & 25 V. c. 110. 24 & 25 V. c. 96. ss. 65, 66.

22. Where a Receiver suspects that any wreck is secreted or concealed by or wrongfully in the possession of any person, he may apply to any Justice of the Peace for a search warrant; and such justice shall have power to grant such warrant; by which it shall be lawful for the Receiver to enter, (and if necessary by force) any house, building and place, whether enclosed or unenclosed, and any vessel, and to search for, remove and detain any wreck there kept or secreted; and if any wreck is discovered and the person in whose possession and on whose premises it is found, fails, on being summoned to appear before two Justices of the Peace, to prove to the satisfaction of such justices that he was lawfully entitled to the possession of such wreck, he shall be liable to a penalty not exceeding eighty dollars for the first offence; and for every subsequent offence shall be liable at the discretion of the justices, either to a penalty not exceeding two hundred dollars or to imprisonment with hard labour for any period not exceeding three months; but the justices may, if they think fit, commit the offender for trial for a misdemeanor under this Act. If any such discovery as aforesaid is made in consequence of information given by any person to the Receiver, the informer shall be entitled, by way of salvage, to such sum not exceeding eighty dollars as the Receiver may, under instructions from the Minister of Marine and Fisheries, may allow.

Salvage.

23. Where services are rendered within the limits of the Dominion of Canada in saving life from any vessel, there shall be payable to the salvor by the owner of the vessel, freight, cargo, stores and tackle, a reasonable sum for salvage and expenses, in priority to all other claims, if any, for salvage; and in cases where such vessel, stores, tackle and cargo, are destroyed, or the value thereof, with the freight, if any, is insufficient, after payment of the actual expenses incurred, to pay the amount of such salvage, the Minister of Marine and Fisheries may, in his discretion, award to the salvor, out of any funds at his disposal for that purpose, such remuneration as he thinks fit.

Salvage to be payable for saving life. 17 & 18 V. c. 104. ss. 458, 459.

24. Where, within the limits of the Dominion of Canada, any vessel is wrecked or abandoned, stranded or in distress, and services are rendered by any person in assisting such vessel, and where services are rendered as aforesaid by any person in saving any wreck, there shall be payable to the salvor by the owner of such vessel or wreck, as the case may be, a reasonable amount of salvage, including expenses properly incurred.

Salvage of cargo or wreck. 17 & 18 Vict. c. 104. s. 458.

Procedure in Salvage.

25. Disputes as to salvage, whether of life or property, shall, in Canada, be heard and determined as follows, and not otherwise, that is to say,—

Jurisdiction in case of disputes as to salvage.

(1.) If either the amount claimed does not exceed one hundred dollars, or the value of the property liable or alleged to be liable for the salvage does not exceed two hundred and fifty dollars, or if the parties consent in writing, the dispute shall be heard and determined by the Receiver of the district where the services were rendered or where the property liable is at the time of the making of the claim; and his award shall include fees and costs. But if any party feels aggrieved by the award of the Receiver aforesaid, the party so aggrieved may appeal to the Minister of Marine and Fisheries, within thirty days after the decision of the Receiver from which the appeal is made:—Provided always that the appellant shall within seven days after the cause of appeal has arisen, give notice to the other party and to the Receiver of his intention to appeal, and of the ground of such appeal;

(2.) In other cases, the dispute may be heard and determined by any court having jurisdiction in civil matters to the amount claimed, or value of the property liable, in the place where the services were rendered, or where the property is at the time of making the claim;

And if in any suit or proceeding for salvage in any court the claimant recovers an amount less than the maximum amount which might

Costs

might

might be claimed before the Receiver, then, unless the court certifies that such suit or proceeding was unfit to be determined by the Receiver, the claimant shall have no costs, charges or expenses incurred by him in the prosecution of his claim, and shall pay to the other party such costs, charges and expenses, if any, as the court may direct.

Definitions.

For the purposes of this section, the amount claimed shall mean the amount claimed in the proceeding or suit before the Receiver or in the court in which the suit or proceeding is taken; and the value of the property liable shall mean the value of the property when first brought into safety by the salvors.

Proceedings for salvage how to be commenced. 17, 18 V., c. 104 s. 460.

26. Any dispute as to salvage, where the services have been rendered and such dispute arises in Canada, may be heard and determined, on the application either of the salvor or of the owner of the property liable to the claim for salvage, or when the property is in the custody of the Receiver, on his application; and where no proceedings have been brought by the salvor, the owner may make application as aforesaid to the Receiver or court having jurisdiction, according to the value of the property liable.

Valuation of property. 25 & 26 V., c. 63. s. 50.

27. Where any dispute as to salvage arises in Canada, the Receiver of the district where the property liable is, shall, on the application of either party, appoint a valuer to value such property and shall give copies of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer, and to be certified as a true copy by the Receiver, shall be admissible as evidence in any subsequent proceeding, and shall for the purpose of giving jurisdiction in salvage, be conclusive evidence of the value at the time of such valuation; and there shall be paid in respect of such valuation such fee, not exceeding the fee specified in the schedule to this Act, as the Minister of Marine and Fisheries may from time to time direct.

Property liable for salvage may be seized and detained by a receiver. See 17 & 18 V., c. 104. s. 468.

28. A Receiver may seize any property found within his district and alleged to be liable for salvage; and may detain such property until either the salvage, fees and costs due thereon are ascertained and paid, or process is issued for the arrest or detention thereof by some competent court, or security is given to his satisfaction for such salvage, fees and costs.

Security.

Where the value of the property does not exceed two hundred and fifty dollars, any question as to the amount of the security to be given, or as to the sufficiency of the sureties, may be determined by the Receiver; or where such value exceeds two hundred and fifty dollars, any such question may be determined, upon the application either of the owner of the property or of the salvors or any of them, or of such Receiver, by any court having, in the district of such Receiver, jurisdiction in civil matters to the value of the property in question.

If the property has not been valued, the value for the purposes Value. of this section shall be determined by such Receiver, or by a valuer appointed by him as aforesaid.

Any security given for salvage in pursuance of this section may be enforced by a court competent to entertain a suit for such sal- security. vage, in the same manner as if bail had been given in such court; and where, under the provisions of this Act, the determination of disputes as to such salvage is to be made by a Receiver, any such security may be enforced in the manner aforesaid by any court competent to entertain a suit for such salvage, having jurisdiction in the district of such Receiver.

29. Where any dispute as to salvage arises before a Receiver under the provisions of this Act, the Receiver shall hear and determine the same; and if, after he has made and published his award, the salvage, fees and costs by him awarded to be paid, are not paid within fourteen days, he may sell the property liable for such salvage, fees and costs, or a sufficient part thereof, and out of the proceeds defray the expenses of the sale and the salvage, fees and costs awarded, and shall pay or deliver up the surplus, if any, to the owners of the property or other persons entitled thereto. Procedure in disputes as to salvage before a receiver.

30. Where the aggregate amount of salvage payable in respect of any services has been finally determined by a Receiver or court or by admission or agreement, such amount may be apportioned and distributed as follows; that is to say,— Apportionment of salvage.

- (1.) If the amount has been determined by a Receiver, the Receiver may apportion the same among the persons entitled thereto in such manner as he thinks just, but the party aggrieved may appeal from his decision to the Minister of Marine and Fisheries: 17 & 18 V. c. 104. ss. 466, 498.
- (2.) If the amount has been determined by any court having jurisdiction, such court may direct the amount to be apportioned among the persons entitled thereto in such manner as such court thinks just, and may appoint any person to carry the apportionment into effect; and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into court, to be dealt with as the court may direct; and may for the purposes aforesaid issue such orders as the court thinks fit:
- (3.) If the amount has been finally ascertained by admission or agreement, but a dispute arises or is apprehended as to the apportionment thereof among several claimants, the person liable to pay such amount may pay the same, if it does not exceed one hundred dollars, (or in any case if the claimants so agree) to a Receiver, or, if it exceeds one hundred dollars, into any court having jurisdiction; and such Receiver or court shall receive and apportion the same

same, and shall grant to the person paying the same a certificate of the amount paid and of the services in respect of which it is paid; and such certificate shall be a full discharge and indemnity to such person, and to all his property liable in respect of such services, against all persons parties to or bound by such admission or agreement.

Enforcement
of salvage
when the pro-
perty is under
arrest in
another suit.

31. Where any salvage, fees, charges or costs, in relation to salvage, are awarded or declared to be due, by a Receiver or any court having jurisdiction in salvage, and the property liable, or the proceeds thereof, is or are under arrest in a different suit in a court not being the same court by which such salvage, fees, charges or costs have been awarded, then such salvage, fees, charges and costs shall be enforced against the property or proceeds so under arrest, by the court in which the same is or are under arrest.

Fees of Receivers of Wreck.

Receiver's fees
17 & 18 V.
c. 104.
ss. 455-457.

32. There shall be paid to every Receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the first schedule to this Act, such fees, chargeable as therein mentioned, and not exceeding the amounts therein mentioned, as may from time to time be directed by the Governor in Council; and the Receiver shall, in addition to all other rights and remedies for the recovery of such expenses or fees, have the same rights and remedies which a salvor has in respect of salvage due to him; and may, if the property in respect of which any such expenses or fees are due, is not under arrest in any court, seize or detain such property until the same are paid, or until security is given for the same to his satisfaction.

Disputes as to
fees or ex-
penses, how
settled.

Whenever any dispute arises in any part of Canada as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Minister of Marine and Fisheries, whose decision shall be final.

Fees to Re-
ceivers.

All fees received by any Receiver appointed under this Act, in respect of any of the matters in the first schedule to this Act mentioned, may be retained by him for his own remuneration.

Miscellaneous Provisions.

Offences under
this Act and
some other
Act.

33. Any person committing an offence against this Act, which is also an offence against some other Act, may be prosecuted, tried, and, if convicted, punished under either Act; but no person shall be liable to be tried more than once for the same offence.

Proceedings
in rem or in
personam.

34. The jurisdiction conferred by this Act on any civil court may be exercised either by proceedings *in rem* or by proceedings *in personam*.

35. Nothing in this Act shall be construed to affect the jurisdiction of any Court of Vice-Admiralty in Canada in any matter or case, civil or criminal. Jurisdiction of Vice-Admiralty saved.

36. The Ministers of Customs and Inland Revenue may permit all goods saved from any vessel stranded or wrecked within the limits of the Dominion of Canada on its inward voyage to be forwarded to the port of its original destination, and all goods saved from any ship stranded or wrecked within the limits of the Dominion of Canada on its outward voyage to be returned to the port at which the same were shipped; taking such security for the due protection of the revenue in respect of such goods as they may think proper. Duties on wreck.
17 & 18 V.
c. 104.
ss. 499-500.

37. Chapter twenty-four of the Revised Statutes of New Brunswick, Part I, Title III, entitled: "*Of Wrecked Property*," and chapter seventy-eight of the Revised Statutes of Nova Scotia, Third Series, Part I, Title XXI, entitled; "*Of Wrecks and Wrecked Goods*," are hereby repealed, except only as to things done and rights acquired or proceedings commenced under either of them before the coming into force of this Act. Article five hundred and ninety of the Civil Code of Lower Canada is also hereby repealed. Repeal of Acts of Nova Scotia and Brunswick, and Article of Code of Lower Canada.

38. Section ninety-eight of the Act of the legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, and intituled, "*An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes*," is hereby repealed, and the following substituted in its stead, and shall be read and construed as the ninety-eighth section of the said Act:— New section substituted for s. 98 of Act of Province of Canada, 12 V., c. 114.

"98. Every person finding any spars, deals, saw-logs or timber or other non-perishable thing, not being wreck within the meaning of this Act, in the River St. Lawrence, or any river or water within the port of Quebec, or on the beach thereof, shall, within four days, if the same be found within the harbour of Quebec, and within fifteen days if the same be found within any other part of the port of Quebec, give notice thereof to the Harbour Master, under a penalty not exceeding forty dollars; and shall in such notice give him a description of the thing found, with all the marks thereon: If, in the meantime, the master or owner claims the same he shall pay to the finder for his trouble such remuneration as may be fixed by the Trinity House of Quebec; and the said Trinity House of Quebec may make and publish a tariff of salvage for deals, sawlogs and timber, found as aforesaid, and any person being in possession of any deals, sawlogs and timber found adrift, or on the beach of the said river or such water as aforesaid, shall, immediately upon the owner or the agent claiming the said property and tendering the sum fixed in such tariff as the salvage in the case, deliver up the said property to the said master or owner thereof, or his agent; and any person refusing so to deliver any such spars, deals, sawlogs or timber, or other non-perishable As to effects found in Port of Quebec.

SECOND SCHEDULE.

FEES OF RECEIVERS.

Maximum fees to be charged by receivers in addition to expense properly and necessarily incurred.

	\$	cts.
1. For every enquiry instituted by a Receiver with respect to any shipping casualty, whatever may be the number of persons examined, a fee not exceeding.....	8	00
<i>To be charged on the vessel or cargo in respect of which the examination is instituted.</i>		
2. For furnishing copy of evidence per one hundred words.....	20	
3. For every salvage dispute heard and determined by the Receiver, in which the claim does not exceed one hundred dollars, or the property saved does not exceed two hundred and fifty dollars, a sum not exceeding.....	5	00
<i>To be charged on the property saved</i>		
4. For all other cases in which salvage disputes are heard and determined by the Receiver.....	10	00
<i>To be charged on the property saved.</i>		
5. For wreck received or taken by the Receiver into his custody, a per-centage of five per cent, upon the value thereof. But so that in no case shall the whole amount of per-centage so payable exceed eighty dollars. <i>To be charged on the wreck or derelict.</i>		
6. For every sale of wreck conducted by a Receiver, a sum not exceeding one per cent on the value thereof. <i>To be charged on the proceeds of sale.</i>		
7. For copies of certificates of valuation, when the value of the property is under three thousand dollars, a sum not exceeding.....	4	00
In other cases.....	8	00
<i>To be charged on the property valued.</i>		
8. In cases where any services are rendered by a Receiver in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a per-centage; that is to say,—		

(3.) The proportion of the value of the said ship, freight, cargo, and property, and of the freight which he claims for salvage, or the value at which he estimates the said ship, cargo and property respectively, and the several amounts that he claims for salvage in respect of the same :

(4.) Any other circumstances which he thinks relevant to the said claim :

And by the said master or other person in charge of the said ship, cargo, or property,

(5.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate ; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers :

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(6.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage on which she then is :

(7.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered :

(8.) The name and place of business or residence of the owner of such cargo and of the consignee thereof :

(9.) The values at which the said master estimates the said ship, cargo and property, and the freight respectively, or if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest :

(10.) The amounts which the master thinks should be paid as salvage for the services rendered :

(11.) An accurate list of the property saved in cases where the ship is not saved :

(12.) An account of the proceeds of the sale of the said ship cargo or property, in cases where the same or any of them are sold :

(13.) The number, capacities and condition of the crew of the said ship at the time the said services were rendered :

(14.) Any other circumstances he thinks relevant to the matters in question.

Ships sailing to the West Indies.

(1). When sailing after the fifteenth day of November, or before the sixteenth day of March in any year, on a voyage from any port in Canada, to any port in the West Indies, and during the voyage while within Canadian jurisdiction; and

Certain modes of carrying cargo forbidden.

(2). No master of any such ship, if she be a single decked vessel, shall place or cause or permit any cargo whatever to be placed or remain upon or above the deck to a height exceeding by more than six inches that of the main rail, nor in any case greater than four feet six inches above the deck,—nor, if she has a spar deck shall he place or cause or permit to be placed or remain, any cargo on or above any part of such spar deck; except that this provision shall not be understood to prevent such master from carrying two spare spars or store spars, made, dressed and finally prepared for use, on the deck or on the spar deck of such vessel:

Exception.

Proviso: in case of leak, or damage to ship.

4. Provided always, that if the master of any ship subject to the provisions of this Act, under the second section thereof, considers that it is necessary, in consequence of the springing of a leak, or of other damage received or apprehended during the voyage, to remove any portion of the cargo thereof, and to place upon any part of the upper deck thereof, not included as mentioned in the said second section, any other or greater portion of such cargo than is by the said second section permitted to be placed upon such part of the upper deck of such ship; or if the master of any ship subject to the provisions of this Act, under the third section thereof, considers that it is necessary from any such cause as aforesaid, to remove any part of the cargo, and to place it on the deck or on the spar deck of such vessel (as the case may be) he may remove or cause to be removed to, and placed upon such part of the upper deck or on the deck or spar deck of such ship, so much of the cargo thereof, and may permit the same to remain there for such time, as he considers expedient.

Customs officer to ascertain that ship is not loaded contrary to this Act.

5. Before any officer of the Customs permits any ship, subject to the provisions of the second section of this Act, to clear out from any port in Canada, he shall ascertain that no square, round, waney or other timber, nor more than five spare spars, or store spars, nor any cargo of any description, to any height exceeding three feet above the deck, is, or are piled, or stored, or placed upon any part of the upper deck of such ship, not included within the limits of any break or poop, or any other permanently closed-in space thereon, available for cargo and the tonnage of which forms part of the register tonnage of such ship; and shall give the master of such ship a certificate to that effect.

Certificate to be given by him before clearing.

6. Before any officer of the Customs permits any ship subject to the provisions of this Act, under the third section thereof, to clear out from any port in Canada, he shall ascertain that no provision of the said third section is contravened in respect of such ship and the cargo thereof; and shall give the master of such ship a certificate to that effect.

7. No master of any ship shall sail in such ship, when subject to the provisions of this Act, from any port in Canada, until he has obtained the certificate required in the case of such ships from the proper officer of the Customs.

Ship not to sail without certificate.

8. Every master of a ship subject to the provisions of this Act, who contravenes any provision of this Act, shall for each such contravention incur a penalty not exceeding, except as hereinafter provided, eight hundred dollars.

Penalty for contravention.

9. Every master of a ship, subject to the provisions of this Act, who, after having complied with the provisions of this Act requiring him to obtain a certificate as aforesaid from the proper officer of the Customs, contravenes any other provision of this Act, shall incur a penalty not exceeding eight hundred dollars.

Penalty for contravention after certificate.

10. Whosoever, being the master of any ship, with intent to evade any provision of this Act, sails in such ship after the first day of October, or before the sixteenth day of March in any year, from any port in Canada to any port in Europe, without such certificate as last aforesaid, and with any cargo on any part of the upper deck of such ship, not included within the limits of any break or poop, or any other closed-in space thereon available for cargo and the tonnage of which forms part of the register tonnage of such ship,—or sails in such ship, after the fifteenth day of November, or before the sixteenth day of March in any year, from any port in Canada to any port in the West Indies, with any cargo upon the deck, or on the spar deck of such ship, (as the case may be) which would prevent his rightfully obtaining such certificate, is guilty of a misdemeanor; and shall be liable to be punished by imprisonment for any term not exceeding two years and not less than three months or by fine not exceeding eight hundred dollars, or by both fine and imprisonment in the discretion of the court before which he is convicted.

Sailing with intent to evade this Act to be a misdemeanor.

Penalty.

11. Any ship in respect of which any penalty is incurred under this Act, may be seized and detained by order of the Court by or before which such penalty is imposed or recovered until such penalty be paid, or security given for the payment thereof; and unless payment be made or satisfactory security be given within thirty days, such ship may, at the expiration thereof, be sold by order of the Court, and the said penalty and all the costs paid out of the proceeds,—the surplus (if any) being paid over to the owner of the ship.

Ship may be seized and sold to secure payment of penalty.

12. The whole of every pecuniary penalty recovered under this Act shall belong to Her Majesty, and shall be paid over to the Receiver-General by the officer or person receiving the same, and shall be thereafter appropriated in such manner as the Governor in Council may direct in each case.

Disposal of penalties.

13. This Act shall not apply to any vessel sailing from British Columbia.

Act not to apply to British Columbia.

CHAP. 57.

An Act to provide for keeping order on board Passenger Steamers.

[Assented to 23rd May, 1873.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Disorderly persons on board steamers; how to be treated.

1. The master or officer in command of any steamer may refuse to receive on board thereof any person who is drunk or disorderly, or who causes, or is in a condition to cause, annoyance or injury to passengers on board; or if any such person be on board, the master or officer may put him on shore at any convenient place.

Persons committing certain offences to incur a penalty.

2. If any of the following offences are committed on board any vessel registered in Canada propelled wholly or in part by steam, and carrying passengers to or from any place or places in Canada to or from any place or places out of Canada not being in the United Kingdom, or between any places in Canada (which vessels alone are in this Act included in the term "steamers,") that is to say,—

(1.) If any person being drunk or disorderly has been on that account refused admission into a steamer by the owner or any person in his employment, and nevertheless persists in attempting to enter the steamer :

(2.) If any person being drunk or disorderly on board a steamer is requested by the owner or any person in his employment to leave the same at any place in Canada, being a reasonably convenient place to leave the same, and does not comply with such request :

(3.) If any person on board a steamer, after warning by the master or other officer of the steamer, molests or continues to molest any passenger :

(4.) If any person, after having been refused admission into a steamer by the owner or any person in his employment on account of the steamer being full, and having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the steamer :

(5.) If any person on board a steamer, without reasonable excuse, (proof whereof shall lie on him), fails, when requested by the master or other officer thereof, either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare, as is usually given to persons travelling by and paying the fare on steamers ;—

Then and in every such case, the person so offending shall The penalty.
for every such offence incur a penalty not exceeding ten dollars,
but this liability shall not prejudice the recovery of any amount
payable by him as fare.

3. If any person on board a steamer, without reasonable excuse, Injuring or obstructing the steamer.
(proof whereof shall lie on him) does, or causes to be done, anything
in such manner as to obstruct or injure any part of the machinery
or tackle of the steamer, or to obstruct, impede or molest the
crew, or any of them, in the navigation or management of her, or
otherwise in the execution of their duty on or about the steamer,
he shall, for every such offence, incur a penalty not exceeding one Penalty.
hundred dollars.

4. It shall be lawful for the master or other officer of any steamer Master of steamer may detain offender.
and for all persons called by him to his assistance, to detain any
offender against any of the provisions of the preceding sections of
this Act, whose name and address are unknown to such master or
officer, and to convey such offender with all convenient despatch
before some Justice or Justices of the Peace, to be dealt with ac-
cording to law.

5. Any penalty imposed by this Act shall belong wholly to the Application of penalties and how enforced.
Crown ; and may be recovered with costs, before any one Justice
of the Peace, if it does not exceed ten dollars, and before any two
Justices of the Peace, or any magistrate having the powers of two
Justices of the Peace, under the "*Act respecting the duties of Jus-* 32, 33 V.c.31.
tices of the Peace out of Sessions, in relation to summary convic-
tions and orders," as amended by any subsequent Act or Acts, such
Justices of the Peace having jurisdiction either in the place where
the offence was committed, or if committed while the steamer is
under way, then in the place where it shall next stop ; and any Arrest by master valid.
offender conveyed before such Justice or Justices, or magistrate
under the next preceding section, shall be dealt with as if arrested,
and brought before them on his or their warrant, under the said
Act.

CHAP. 58.

An Act to amend the Acts for more effectually prevent-
ing the Desertion of Seamen ; and for other purposes.

[Assented to 23rd May, 1873.]

IN amendment of chapter forty-three of the Consolidated Preamble.
Statutes of Canada, intituled: "*An Act for more effectually*
preventing the desertion of seamen," and of the Act of the Parlia-
ment of Canada passed in the thirty-fourth year of Her Majesty's
reign, and intituled: "*An Act for more effectually preventing the*

the desertion of seamen in the Port of Quebec." Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Right of appeal and *certiorari* taken away in cases under Con. Stat. Canada, c. 43, and Act of Canada, 34 Vict., c. 32.

1. There shall be no appeal from any conviction or order adjudged or made under the Acts cited in the preamble to this Act, or either of them, by or before any Judge of the Sessions of the Peace, Police Magistrate, or any two Justices of the Peace, or Magistrate having the powers of two Justices of the Peace, as to summary convictions and orders, for any offence against the said Acts, or either of them, committed after the passing of this Act; nor shall such conviction be quashed for want of form, or removed by *certiorari* into any of Her Majesty's superior courts of record; and no warrant or commitment, under the said Acts or either of them, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Section 66, of 32 & 33, Vict. c. 31, explained.

2. And for the avoidance of doubt, under the Act hereinafter mentioned, it is hereby declared and enacted, that the Court of General or Quarter Sessions of the Peace appealed to, may grant or refuse in its discretion the request of the appellant or respondent to have a jury empannelled to try the facts of the case, under the sixty-sixth section of the Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's Reign, intituled: "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders.*"

CHAP. 59.

An Act to repeal the Law of British Columbia, intituled, "*An Ordinance respecting Harbour and Tonnage Dues and to regulate the Licenses on the Vessels engaged in the Coasting and Inland Navigation Trade.*"

[Assented to 23rd May, 1873.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

No. 86 of Revised Laws of B.C. repealed.

1. The law numbered eighty-six in the Revised Laws of British Columbia, in force at the date of the Union of that Province with Canada, and intituled "*An Ordinance respecting Harbour and Tonnage Dues, and to regulate the Licenses on the Vessels engaged in the Coasting and Inland Navigation Trade,*" is hereby repealed.

CHAP. 60.

An Act to make further provision for the improvement of the River St. Lawrence between Montreal and Quebec.

[Assented to 23rd May, 1873.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. It shall be lawful for the Governor in Council to raise by way of loan such sum not exceeding one million five hundred thousand dollars, as may, with any other sums voted by Parliament for the same purpose, be requisite to defray the expense of completing the ship channel in Lake St. Peter and the River St. Lawrence to the depth of not less than twenty-two feet at low water, and a width of not less than three hundred feet, from Montreal to the tide water above Quebec; such loan to be raised by the issue of debentures bearing interest payable half yearly at the rate of five per cent. per annum and redeemable in forty years.

Loan of \$1,500,000 authorized towards the cost of the said improvement.

2. The work mentioned in the next preceding section, shall be performed under the superintendence of the Department of Public Works, either by the Harbour Commissioners of Montreal, under such arrangements as the Minister of Public Works may make with them; with the approval of the Governor in Council, or in such other manner as the Governor in Council may see fit: and the interest on the sums raised as aforesaid and expended on the said work, at the rate of five per cent. per annum, and a sinking fund at the rate one per cent. per annum, shall be paid to the Receiver General by the said Harbour Commissioners, out of the tolls, rates and dues levied by them in the Harbour of Montreal; the said interest shall be payable from the date of such expenditure, but the said payment to the sinking fund shall commence and be reckoned only from the first day of July, one thousand eight hundred and seventy-eight; and the said interest and contribution to the sinking fund, shall be payable at such periods in each year as the Governor in Council may from time to time direct.

How the work shall be performed.

Interest and sinking fund to be paid out of harbour dues at Montreal.

When to commence.

3. A like rate of interest and sinking fund, to commence and be payable respectively at the like times and periods, as are mentioned in the next preceding section, shall be paid to the Receiver General by the said Harbour Commissioners out of the tolls, rates and dues aforesaid, on any sums voted by Parliament during the present or the now last session, for the improvement of the St. Lawrence between Montreal and Quebec, and expended for that purpose: and if, at any time, such tolls, rates and dues should be insufficient, or should be reported by the said Commissioners as likely to be insufficient, to meet such interest and sinking fund, as well on the sums so voted, as on those raised and expended under the preceding sections, after paying all other charges thereon,—then the Act passed in the now last session of Parliament,

The same on other sums voted for the like purpose.

chapter

Act 35 V.,
c. 40, to apply
in certain
cases.

chapter forty, "for imposing tonnage dues and wharfage rates to meet the cost of improving the navigation of the St. Lawrence, between Montreal and Quebec;" and the powers therein given to the Governor in Council, shall apply, for the purpose of making good such insufficiency, as well to the tariff of rates to be fixed by any Act to be passed during the present session, respecting the Harbour of Montreal, and to the said sum of one million five hundred thousand dollars, mentioned in the first section, and to any sum to be voted in the present session for the improvement of the St. Lawrence between Montreal and Quebec, as to the present tariff of rates for the said harbour and the sum appropriated by the supply Act of last Session for the improvement of the said river.

Act 35 V.,
c. 6, to apply.

4. The Act passed in the now last session, intituled "*An Act respecting the Public Debt and the raising of loans authorized by Parliament*," shall apply to any loan to be raised as aforesaid, subject to the special provisions of this Act.

CHAP. 61.

An Act respecting the Trinity House and Harbour Commissioners of Montreal.

[Assented to 23rd May, 1873.]

Preamble.
16 V.c. 24.
18 V.c. 143.

WHEREAS by Acts of the legislature of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, chapter twenty-four, and in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-three, certain of the powers and authorities of the Trinity House of Montreal, were transferred to and vested in the Harbour Commissioners of Montreal;

recital.
V.c. 59.

And whereas, by the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, chapter fifty-nine, "*relating to Lighthouses, Buoys and Beacons*," and by an Act to amend the said last mentioned Act, passed by the said Parliament of Canada in the thirty third year of Her Majesty's reign, chapter eighteen, others of the said powers and authorities have been, and are transferred to and vested in the Minister of Marine and Fisheries;

And whereas, it is expedient that the remaining powers and authorities of the said Trinity House of Montreal, together with its property, (except as hereinafter provided), should be transferred to and vested in the said Harbour Commissioners of Montreal, and that the said corporation of the Trinity House of Montreal should be dissolved and should cease to exist:

Therefore

Therefore Her Majesty, by and with the advice and consent of Senate and House of Commons of Canada, enacts as follows :—

1. Upon, from, and after the first day of July now next, so much of the Act of the legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and seventeen, as provides for the existence and continuance of a body corporate and politic for the purposes of the said Act, by the name of the Trinity House of Montreal, and so much of the said last mentioned Act as makes it lawful for the Governor to appoint a Master, a Deputy Master and Wardens, to compose such corporation, and officers, clerks and bailiffs of the same, shall be, and the same is hereby repealed; and upon, from, and after the said day, the said corporation shall be and the same is hereby dissolved and extinguished, so that the same shall thenceforth wholly and entirely cease to exist, either in name or in deed; and the persons who shall then be respectively the Master, the Deputy Master and Wardens of the Trinity House of Montreal, or officers of the said corporation, shall be and they are hereby thenceforward relieved, exonerated and discharged from their and each of their obligation to execute the powers vested in them and each of them by the said last mentioned Act or any Act amending the same.

Corporation dissolved, and members and officers discharged on and after 1st July, 1873.

2. Upon, from and after the said day all and every the then remaining powers, authority and jurisdiction, rights, duties and liabilities, of the said Trinity House of Montreal, under the said last mentioned Act, and any Act or Acts amending the same, shall, under any Act or Acts of the legislature of the said late Province, or of the Parliament of Canada, shall become and be transferred to and vested in and shall be exercised and enjoyed, assumed and discharged by the said corporation of the Harbour Commissioners of Montreal, created and continued by the said Acts of the sixteenth and eighteenth years of Her Majesty's reign; who shall thenceforth be a body corporate and politic for and every the purposes of so much of the said Act, twelfth Victoria, chapter one hundred and seventeen, as shall then be and remain unrepealed, as well as for the purposes of the said Act, eighth Victoria, chapter one hundred and forty-three, and the Acts amending the same; and may use their own common seal, in every case requiring the use of a seal under the provisions of the said Act, twelfth Victoria, chapter one hundred and seventeen, as amended by this Act, in the execution of the powers thereby and hereby conferred upon them; and may do in their own name all and whatsoever the said Trinity House of Montreal are by so much of their said Act of incorporation and Acts amending the same, as shall then remain unrepealed, authorized and empowered to do in their said corporate name; and all and every the provisions of so much of the said Act of incorporation and Acts amending the same shall apply to the said Harbour Commissioners of Montreal, in lieu and stead of the said Trinity House of Montreal.

Powers, &c., transferred to Harbour Commissioners of Montreal.

3. Upon, from and after the said day, all moneys and properties for money, belonging to or vested in the said corporation of

Certain property transferred to the said

Commissioners, and remainder to the Crown.

of the Trinity House of Montreal, in trust or otherwise, shall be transferred to and become and be vested in and belong to and be the property of the said corporation of the Harbour Commissioners of Montreal in trust or otherwise, as the case may be, in the same manner and to the same extent, and under and subject to the same trusts (if any) as the same shall immediately before the said day have been vested in or belonged to or been the property of the said corporation of the Trinity House of Montreal; and upon the said day all and every the moneys, bonds, debentures and other vouchers of security for money, of or belonging to the said corporation of the Trinity House of Montreal, shall be duly delivered into the hands and possession of the proper members and officers of the said corporation of the Harbour Commissioners of Montreal, by the members and officers of the Trinity House of Montreal, or other persons whomsoever in whose hands, custody or possession the same may then be respectively and the seal of the said last mentioned corporation shall be delivered to the Chairman of the corporation of the Harbour Commissioners of Montreal, who is hereby authorized and empowered to break the same; and all property of the said Trinity House of Montreal, not hereinbefore transferred to the Harbour Commissioners of Montreal, shall be vested in the Crown, under the control and management of the Minister of Marine and Fisheries.

Officers of Commissioners substituted for those of Trinity House.

4. The following members and officers of the said corporation of the Harbour Commissioners of Montreal are hereby respectively substituted to the corresponding members and officers of the Trinity House of Montreal, in and for the performance and discharge of all and every the duties and functions of their respective positions and offices, that is to say,—the Chairman to the Master and Deputy Master, the other Commissioners to the Wardens, the Secretary-Treasurer to the Registrar and Treasurer, and the Bailiff to the Bailiff.

Port of Montreal to remain as at present. Harbour extended downwards to Longue Pointe Church.

5. For all and every the purposes of the said Act, twelfth Victoria chapter one hundred and seventeen, as amended by subsequent Acts and by this Act, and of this Act, the Port of Montreal shall continue to be held and deemed to comprehend all that part of the River St. Lawrence which extends from the basin of Portneuf, exclusively, in the County of Portneuf, to the Province line formerly dividing the Provinces of Upper and Lower Canada, and shall include the several rivers falling into the St. Lawrence between the said limits; and the Harbour of Montreal, for the said purposes, shall, from and after the commencement of this Act, be held and deemed to comprise the present limits of the said Harbour, as defined in the existing Acts relating to the Harbour Commissioners of Montreal, as far down the River St. Lawrence as the Ruisseau Migeon,—from which point the said Harbour is hereby extended downwards, to a point opposite the church of the Parish of Longue Pointe, following the said River along high water mark, and including the beach thereof; and the southern limits of the said harbour shall be the middle of the River St. Lawrence above the Island of St. Helen, thence downwards the northern low water edge of that Island.

Southern limits of Harbour.

Island to the lower end thereof, and thence towards the south shore of the said River to the ten feet low water line, and thence downwards along the said ten feet low water line to a point opposite the lower northern limits of the said harbour, including Isle Ronde or Mouton: Provided that the said corporation shall have no right in or jurisdiction over any part of the said Island of St. Helen nor over any part of the said Isle Ronde or Mouton, except only such as may be expressly given them by the Governor in Council.

Proviso as to
Island of St.
Helen, &c.

6. Nothing in this Act shall be construed to affect the validity of any by-law, rule, order or regulation heretofore lawfully made by the corporation of the Trinity House of Montreal; and all such by-laws, rules, orders and regulations in force at the time of the passing of this Act shall remain and continue to be as good, valid and effectual as if this Act had not been passed, until annulled or altered under the authority of this Act.

By-laws, &c.,
of Trinity
House saved.

7. Nothing in this Act shall affect the continuance of any suit, or action, or other legal proceeding, to which the said corporation of the Trinity House of Montreal is or shall be a party, or which may be pending before it on the said first day of July now next; but every such suit, action, and legal proceeding shall be thenceforth deemed to have been taken up by and in the name of, and may be continued by or against, or may be carried on continued and prosecuted before the said corporation of the Harbour Commissioners of Montreal, in the room and stead of the Trinity House of Montreal: and all matters and things which might have been done, and all proceedings which might have been taken or prosecuted, by or before the Trinity House of Montreal relating to any offences which shall have been committed, or to any matters which shall have happened, or to any pilotage or other moneys which shall have become due, or to any fines or penalties which shall have been incurred, before the said first day of July, may be done, taken and prosecuted, and the offences may be dealt with and punished, and the pilotage and other moneys may be recovered and dealt with, and the fines and penalties may be enforced and applied, thereafter, by or before the Harbour Commissioners of Montreal.

Suits, &c., to
be continued
by or against

Harbour Com-
missioners.

Past offences
and other
matters how
dealt with.

8. And whereas, by reason of the transfer of the powers of the Trinity House of Montreal, to the corporation of the Harbour Commissioners of Montreal, it is expedient to alter the constitution of the corporation last mentioned, after the period hereinafter mentioned,—therefore, the said corporation shall until the first day of October now next, remain constituted as it now is, but upon, from and after the said first day of October, the said corporation shall be constituted and consist of nine members, four of whom shall be appointed by the Governor, and the remaining five shall be elected in the following manner, that is to say,—two by the Montreal Board of Trade; one by the Montreal Corn Exchange Association; one by the Montreal City Council; and one by the owners, consignees or agents of sea-going

Future con-
stitution of the
Corporation,
after 1st
October, 1873.

Four members
appointed.

Five members
elected, and
by whom.

going vessels having entered or departed from the said Harbour, or having been at anchor or otherwise moored therein, who shall have paid harbour or wharfage dues, in the manner hereinafter set forth.

Scale of voting
for shipping
interest.

Proviso.

9. Each and every such owner, consignee or agent shall be entitled to the following proportionate number of votes, that is to say,—if he shall have paid as harbour or wharfage dues, within one year preceding the day of the election, the sum of one hundred dollars or upwards, he shall be entitled to one vote : if he shall have paid within the same period, the sum of five hundred dollars or upwards, he shall be entitled to two votes and to an additional vote for every five hundred dollars paid over and above the last mentioned sum : Provided always that no such owner, consignee or agent shall be entitled to more than ten votes, in any case ; and such owners, consignees or agents shall, for the purposes of this Act, be designated and known as the “Shipping Interest.”

Interpreta-
tion.

The word “owner,” “consignee” or “agent,” in this section shall be held to include any firm, company or association of persons carrying on business in copartnership, and any one of the partners and no more may vote for and in the name of such firm, company or copartnership.

Elections by
Board of
Trade, &c.

Secretary, &c.,
to give certi-
ficate of
election.

10. The Board of Trade, the Corn Exchange Association, and the City Council shall severally, at a meeting to be held at their respective chambers or usual places of meeting, in the City of Montreal, at noon, on the First Monday of August (or if that day should be a legal holiday, then the next day not being such holiday) in each year, elect,—the Board of Trade two persons, and each of the said other bodies one person to fill the office of Harbour Commissioner ; and the person or persons having the majority of votes of those personally present at each of the said several meetings, shall be held to be duly elected, and the Secretary or City Clerk (as the case may be) shall give him or them a certificate of his or their election, and shall also certify the same to the Minister of Marine and Fisheries.

Elections by
Shipping
Interest.

Secretary to
give certi-
ficate of
election.

11. The Shipping Interest composed as above, shall, at a meeting to be held at the office of the Montreal Harbour Commissioners, in the City of Montreal, at the hour and on the day above mentioned, elect a person to fill the said office of Harbour Commissioner : each and every person presenting himself to vote shall have previously deposited with the secretary of the meeting, the necessary voucher or vouchers showing his qualification to vote, and the number of votes to which he is hereby entitled : the secretary of the said Harbour Commissioners shall be *ex-officio* secretary of the meeting, and shall keep a record of the minutes and proceedings of the meeting ; and shall be the custodian of and shall preserve all vouchers deposited with him ; and shall give the person elected a certificate that he has been duly elected, and shall also certify the same to the Minister of Marine and Fisheries.

12. The persons so elected at any election after the first shall hold office for five years, but may be re-elected. Term of office.

13. At the expiration of one year from the day of the first election, to be held as aforesaid, one of the five elected members shall retire, by lot; another shall retire by lot at the end of the second year thereafter; and a third shall retire also by lot, at the end of the third year; a fourth shall retire by lot at the end of the fourth year, and the fifth shall retire by limitation, at the end of the fifth year; and the members so retiring shall be eligible for re-election. Retirement of members by lot.

14. Every vacancy happening from time to time, among the members of the said corporation appointed by the Governor, not being members so appointed by reason of the refusal or neglect of the corporation of the Montreal Board of Trade or the Montreal Corn Exchange Association, the City Council or the Shipping Interest, or of refusal to accept office, shall be filled up by the Governor; and every other vacancy shall be filled by election of a member by the body by whom the member occasioning the vacancy was or might have been elected, such election being made within fourteen days after the occurrence of the vacancy; and as nearly as possible in the manner prescribed for the first election; and the name of the person elected to fill such vacancy, shall forthwith after his election be certified to the Minister of Marine and Fisheries, as aforesaid. Vacancies among members how to be filled. Certificate of election.

15. In case the proper body as aforesaid refuses, or, for fourteen days after the occurrence of any such vacancy, neglects, to fill up the same and to certify to the said Minister the name of the person elected to fill the same, the Governor may appoint a person to fill such vacancy; and if any person elected at the first or any subsequent election to fill any office refuses to accept the office, the Governor may appoint some other person to fill the same; and the person so appointed shall hold office for the same time as the elective member in whose place he is appointed would have held it, subject to the like provision as to retiring by lot. Governor to appoint in case of non-election. Term of office.

16. Every appointment by the Governor under this Act, shall be made by an instrument under the Great Seal of Canada, and the person so appointed shall hold office during pleasure; and any such appointment may be made at any time after the passing of this Act, to take effect on and after the first day of October next. Form and time of appointments by Governor.

17. Any five members of the corporation of the Harbour Commissioners of Montreal shall be a quorum, and the majority of any quorum may exercise the powers of the corporation; and the existence of a vacancy or vacancies among the members shall not prevent or affect the exercise of the said powers, provided there be a quorum as aforesaid. The members of the corporation may from time to time elect their own President. Quorum. President.

Time of entry
into office.

18. The persons appointed or elected under this Act before said first day of October next, shall enter into office and discharge the duties thereof on and after the said day; those to be thereafter appointed or elected shall enter into office and discharge the duties thereof, from the date of such appointment or election.

Buoys and
beacons.

19. The buoys and beacons within the port of Montreal, shall be placed and maintained by the said corporation; and the expense of so doing shall be paid out of the funds of the corporation.

Corporation
not to be
deemed a new
one.

20. Nothing in this Act shall be construed as making the Harbour Commissioners of Montreal a new corporation, or as requiring that any non-elective member or officer thereof, being sworn immediately before the said first day of July next, should receive a new appointment; and the members of the said corporation under this Act, whether elected or appointed and their successors elected or appointed, from time to time, as required by this Act shall be held to be the successors of the members of the corporation under the Acts constituting or continuing or relating to it.

Inconsistent
provisions of

18 V.c.143,
and other Acts
repealed.

21. So much of the Act of the legislature of the late Province of Canada, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-three, and intituled "*An Act to provide for the management and improvement of the Harbour of Montreal, and the deepening of the Ship Channel between the said Harbour and the Port of Quebec, and to repeal the Act now in force for the said purposes,*"—or of any other Act or law amending the said Act, or relating to the said corporation as may be inconsistent with this Act, is hereby repealed.

Power to bor-
row money for
improving the
harbour.

22. For the purpose of constructing, extending and improving the wharves, structures and other accommodation in the said Harbour, it shall be lawful for the said corporation to borrow in the Dominion, or elsewhere, at par, in such sums and for such number of years, and at such rates of interest, not exceeding eight per cent. per annum, as may be found expedient, and in the manner provided by and subject to the Acts relating to the Harbour Commissioners of Montreal, with respect to moneys thereby authorized to be borrowed by them, any sum or sums of money not exceeding in the whole the sum of two hundred and fifty thousand pounds sterling, and to expend the same in the said harbour for the said purposes, in such manner as may be best calculated to facilitate trade, and increase the convenience and utility of the said harbour.

How such
money shall
be paid.

23. The principal and interest of the sums of money which may be borrowed under the last preceding section, as well as of all sums already borrowed for the improvement of the said harbour, shall be paid out of the revenue arising from the dues, rates and penalties imposed by or under the Acts mentioned in the preamble of this Act, or any Act amending the same, or under this Act.

24. Whenever the said Harbour Commissioners of Montreal desire to acquire any immovable property for the improvement or extension of the said Harbour or the accommodations thereof, they shall cause to be prepared a plan of such immovable property in triplicate, one triplicate whereof shall be deposited in the office of the Clerk of the Peace of the City of Montreal, another triplicate thereof in the office of the Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works:—And such plan shall be submitted to the Governor in Council for approval, and upon being duly approved, if an amicable arrangement with the proprietor of such immovable property is not made, the said corporation shall have the right to acquire the same without the consent of the proprietor or proprietors thereof, and the third, fourth, fifth, sixth, seventh, eighth, ninth and tenth sub-sections of the ninth section of "*The Railway Act, 1868*," shall apply to the acquisition of immovable property for the purposes aforesaid, to the same extent and in the same manner as if the said sub-sections had been passed with express reference to the said Harbour of Montreal instead of with reference to railways, and the said Harbour Commissioners were therein referred to instead of the railway company:

Provisions for taking real property for improvement of the harbour.

Plans to be approved by Governor in Council.

If, after one month from the deposit of triplicates of such map or plan as hereinbefore provided, and of the approval thereof by the Governor in Council, the said corporation of the Harbour Commissioners of Montreal shall not have agreed with the owner of such immovable property, then the said corporation shall have the right to acquire such land in manner following, that is to say,—

If no agreement can be effected.

A notice shall be served upon the party in occupation of such land as proprietor, which notice shall contain—

Notice to proprietor.

1st.—A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

2nd.—A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

3rd.—The name of a person to be appointed as the arbitrator of the Harbour Commissioners, if their offer be not accepted:

If the proprietor of such land be absent from the Province of Quebec, or be unknown, then upon application to a Judge of the Superior Court for Lower Canada, residing in the District of Montreal, accompanied by an affidavit of some officer of the corporation, that such proprietor is so absent, or that after diligent enquiry the party on whom the notice ought to be served cannot be ascertained, the Judge shall order such notice to be inserted three times in the course of one month in two newspapers, one in the French and the other in the English language, published in the City of Montreal; and upon such publication being completed, the proprietor

If proprietor be absent.

prietor of such land shall be conclusively held to have received notice of the intention of the corporation to acquire the said land according to the provisions hereof.

Certain provisions of Railway Act, 1868, to apply.

After the service of such notice, or within one month after the publication thereof, the corporation may acquire such land in the manner and form as provided for the acquisition of land by railway companies without the consent of the proprietor, to wit in the manner and form and by means of the proceedings prescribed by the fifteenth and following sub-sections of the ninth section of "*The Railway Act, 1868*;" in the same manner and with the same effect as if the said sub-sections had been made specially applicable to the said corporation, and were incorporated in this Act.

Certain property vested in the Corporation.

25. All property acquired and held by the Harbour Commissioners of Montreal and vested in them for the purposes of the harbour at the date of the creation of the corporation of "*The Harbour Commissioners of Montreal*," shall be held to have been and is hereby declared to be transferred to and vested in the said corporation; and all the land lying within the limits of the said Harbour of Montreal as defined by law is also hereby declared to have been vested in and to be the property of the said corporation in trust for all purposes for which the said corporation was created, as fully to all intents and purposes as if so vested in them by the original Act of incorporation.

Corporation may bring suits, &c.

26. The said corporation shall have full power and authority to institute and defend all suits, actions and proceedings in any Court of Justice in respect of the said property and the land comprised within the said harbour, as fully as can be done by proprietors holding lands by valid title, or as might be done by or on behalf of Her Majesty in respect of the bed or beach of the River St. Lawrence.

Former tariff of tolls repealed.

27. The tariff of tolls, rates, duties and dues authorized to be levied in the Harbour of Montreal under and by virtue of the Act of the legislature of the late Province of Canada, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-three, (which tariff is comprised in the several Schedules, A, B, C, D, E, F and G, to the said Act appended,) shall be and is hereby repealed upon from and after the first day of July in the present year one thousand eight hundred and seventy-three.

New tariff substituted.

28. On and after the said first day of July now next, it shall be lawful for the said corporation to levy upon all vessels entering or departing from the said harbour, or being at anchor or otherwise moored therein, and upon all goods landed or shipped or deposited therein, (except arms, ammunition, and military accoutrements, and other munitions of war for the use of the Government or for the defence of the Dominion, and except also vessels wholly laden therewith) the several rates and dues mentioned in the Schedules appended to this Act; the whole subject to all and every of the

pro

provisions of the Act mentioned in the next preceding section **Former Acts to**
and any Act amending the same, in the same manner, and to the **apply to it.**
same extent as if the Schedules hereunto appended had originally
formed part of and been appended to the said Act :

Provided always, that vehicles of every description, and the **Proviso: as to**
horses or other animals harnessed thereto, (not being articles of **vehicles bring-**
commerce) used in transporting agricultural and other produce to **ing produce to**
Montreal, and going to or returning from the said city, by any **market.**
ferry between the said city and Longueuil, or Laprairie, or any
intermediate place between them on the south shore of the St.
Lawrence, shall be exempt from the duties imposed by schedule
B to this Act.

29. The ton weight mentioned in the Schedules to this Act **Ton, what to**
shall be two thousand pounds avoirdupois. **be.**

TARIFF.

Tolls, rates, duties and dues to be levied in the Harbour of Mon-
treal, under and by virtue of this Act.

SCHEDULE A.

Dues to be levied on all vessels in the harbour :—		
On steamboats measuring fifty tons and upwards, per ton of their burden per register, for each day of twenty-four hours they remain in the harbour, rec- koned from the hour of their arrival to that of their departure.....	1½	cents.
On all other vessels measuring fifty tons and upwards, per ton and per day, as aforesaid.....	¾	“
On steamboats measuring under fifty tons, for each day, reckoned as aforesaid, each.....	40	“
On all other vessels measuring from twenty-five to fifty tons per register, each per day reckoned as afore- said.....	25	“
On all vessels of less than twenty-five tons burden, each per day as aforesaid.....	10	“

SCHEDULE B.

Goods, wares, merchandize, animals and things on which the rates affixed to each shall be levied :—		
Flour and Meal, Fish, Beef, Pork and other meats ; Tar, Pitch and Rosin, per barrel or per two hundred pounds.....	2	cents.
Puncheons, Packs of Shooks, Empty Puncheons or Pipes, Canoes, Carts, Burr Stones and Animals undescrib- ed, each.....	2	“
Phosphate of lime, unmanufactured, per ton.....	10	“
18½		Plaster

Plaster of Paris, unmanufactured, per ton.....	10	cent
Clay Tobacco Pipes, Corks and Matches, per twelve gross.....	2	"
Spades, Shovels and Axes, per dozen.....	2	"
Window Glass, per one hundred feet.....	2	"
Canada Plates, Tin Plates, Lemons and Oranges per box.....	2	
Baskets, Buckets, Pails and Corn Brooms per dozen.....	2	"
Poultry or Game per dozen.....	2	"
Untanned Skins, undescribed, per dozen.....	2	"
Apples and other Green Fruit, per bushel.....	1	"
Potatoes, Onions, and other Green Vegetables, per bushel.	1	"
Oysters and other Shell Fish, per bushel.....	1	
Casks (undescribed) Empty, each.....	1	
Corn Whisks, or Dusters, per dozen.....	1	
Laths and Shingles, per thousand.....	4	
Eggs, per thousand.....	4	
Boats, undescribed, each.....	4	
Vehicles, undescribed, each.....	4	
Neat Cattle and Horses, each.....	4	"
Hoop poles, per hundred pieces.....	5	"
Firewood and Bark, per cord.....	5	"
Empty Bottles, per gross.....	5	"
Hides, per dozen.....	5	"
Ashes (Pot or Pearl) per barrel.....	7	"
Cinders, Coal and Coke per ton of 2,000 lbs.....	10	"
Clay, Sand, Lime and Ballast per ton.....	10	"
Timber, per hundred cubic feet.....	10	"
Sawed Lumber of every kind, per thousand feet board measure.....	10	"
Lathwood, per cord.....	10	"
Bateaux and Carriages each.....	10	
Buffalo Skins, per dozen.....	10	
Earthenware, (loose) per hundred pieces.....	15	
Hand spikes, Oars and Billets, per hundred pieces.....	15	
Barrel Staves, per mille.....	15	
Hay and Straw, per hundred bundles.....	15	
Marble, per hundred cubic feet.....	20	
Stone (except ballast) per hundred cubic feet.....	20	
Puncheon Staves, per mille.....	20	
Empty Barrels, per hundred.....	20	
Empty Boxes, per hundred.....	20	
Grain Seeds, Indian Corn, Pulse, Malt and Salt per hundred bushels.....	25	"
Railway Sleepers, per hundred pieces.....	25	"
Bricks, Tiles, and Slates (roofing) per thousand.....	10	"
Pipe Staves, (Standard) per mille.....	60	"
Gold or Bullion.....		Free

SCHEDULE C.

Goods on which there shall be levied a rate of fifteen cents per one thousand pounds gross weight :—

AN

Arrowroot, Barley (Pot or Pearl), Batting, Biscuits, Bread, Butter, Blue, Brimstone, Cheese, Crackers, Coffee, Cocoa, Chocolate, Candles, Cork (unmanufactured), Cordage, Cotton-wool, Flax, Fashers, Fruit (dried), Glue, Greases, Gunpowder, Ginger, Hemp, Hops, Honey, Junk, Leather, Lard, Lampblack, Nuts of all kinds, Okum, Oil Cake, Ochre, Paints, Putty, Rice, Rags, Rope, Sugar (raw or refined), Soap, Starch, Spices, Sago, Saleratus, Salts, Snuff, Nitre, Sulphur, Teas, Tobacco, Tow, Tallow, Wadding, Wool, Yarn, Fire, Wax, Wrapping Paper, Whetstones.

SCHEDULE D.

Goods on which there shall be levied a rate of twenty-five cents per ton gross weight :—

Anchors, Anvils, Alum, Chains, Metals of all kinds in Pigs, Bars, Castings, Rods or Sheets, Hollow Iron Ware, Plough-Moulds, Nails, Screws, Shot, Stoves, Ores of all kinds, Chalk, Cement, Gypsum, Plaster of Paris, Whiting, Copperas, Grindstones, Mill Stones, Dye Stuffs, Soda Ash, Raft Gear, Bran, Shorts, Luggage, Bones, Hoofs, Horns, &c.

SCHEDULE E.

Goods on which there shall be levied a rate of twenty cents per hundred gallons thereof :—

II Liquors, Wines, Oils and Fluids whatsoever in wood or other casks except bottles.

SCHEDULE F.

Goods on which there shall be levied a rate of fifteen cents per ton measurement of forty cubic feet :—

Earthenware, Stoneware, Chinaware, and Glassware in packages.

SCHEDULE G.

In all goods, wares and merchandize whatsoever not otherwise named or described, there shall be levied a rate of one fourth of one per cent of the value thereof : Provided always, that upon goods, the value of which cannot be ascertained satisfactorily, it shall be lawful for the Harbour Commissioners to levy a rate of twenty-five cents per ton weight or measurement as they may think fit.

Goods landed within the harbour and shipped are liable for the duty for both landing and shipping.

CHAP. 62.

An Act further to amend the Acts to provide for the management and improvement of the Harbour of Quebec.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is expedient to make further and better provision for the management and improvement of the Harbour of Quebec, and to alter the constitution of the Corporation of the Commissioners of the said Harbour: Therefore Her Majesty, and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Constitution of Corporation altered on 1st October, 1873.

1. The Corporation of the Quebec Harbour Commissioners shall, until the first day of October, which will be in the present year of our Lord one thousand eight hundred and seventy-three, remain constituted as it now is; but upon, from and after the said day the said corporation shall be constituted and consist of nine members,—three of whom shall be appointed by the Governor, two by the Council of the Quebec Board of Trade, one by the Council of the Lévis Board of Trade, and three by the owners, consignees and agents who shall have paid harbour dues on vessels, goods, wares and merchandise, or otherwise, to the amount hereinafter set forth.

Members how appointed.

Members of shipping interest and their votes.

2. Each and every such owner, consignee or agent as aforesaid, shall be entitled to the following proportionate number of votes, that is to say, if he shall have paid for such harbour dues as aforesaid, within one year preceding the day of the election, the sum of one hundred dollars or upwards, he shall be entitled to one vote; if he shall have paid within the same period the sum of five hundred dollars or upwards, he shall be entitled to two votes, and to an additional vote for every five hundred dollars paid over and above the last mentioned sum: Provided always that no such owner, consignee or agent shall be entitled to more than ten votes in any case; and such owners, consignees or agents shall, for the purposes of this Act, be designated and known as the "Shipping Interest":

Proviso.

Definition.

The word "owner," "consignee" or "agent," in this section, shall be held to include any firm, company, or association of persons carrying on business in copartnership; and any one of the partners, and no more, may vote for and in the name of such firm, company or copartnership.

Election by Boards of Trade of Quebec and Lévis.

3. The Council of the Quebec Board of Trade, and the Council of the Lévis Board of Trade, shall severally, at meetings to be held at their chambers or usual places of meeting, at noon on the first Monday in August in the present year, (or if that day should be a legal holiday, then on the next following day not being such holiday), elect—the said Council of the Quebec Board of Trade two persons, and the said Lévis Board of Trade one person, to

of Harbour Commissioners; and the person or persons
 e majority of votes of the members of the Council person-
 nt at the said meetings respectively shall be held to be
 ed, and the Secretary of the Board shall give him or
 rtificate of his or their election, and shall also certify the
 he Minister of Marine and Fisheries.

Certificate of
 election.

shipping interest. composed as above, shall, at a meet-
 held at the office of the Quebec Harbour Commissioners,
 y of Quebec, at noon on the first Wednesday in August
 sent year (or if that day should be a legal holiday, then
 xt following day not being such holiday) elect three
 o fill the said office of Harbour Commissioners: each and
 rson presenting himself to vote shall have previously
 with the secretary of the meeting the necessary voucher
 rs showing his qualification to vote, and the number of
 hich he is hereby entitled. The Secretary of the said
 Commissioners shall be *ex officio* secretary of the meet-
 hall keep a record of the minutes and proceedings of the
 and shall be the custodian of and shall preserve all
 eposited with him; and shall give the persons elected
 that they have been duly elected, and shall also certify
 o the Minister of Marine and Fisheries.

Election by
 shipping
 interest.

Certificate of
 election.

persons so elected at any election after the first shall
 for six years, but may be re-elected.

Term of office.

ne expiration of one year from the day of the first
 o be held as aforesaid, one of the six elected members
 , by lot; another shall retire by lot at the end of the
 r thereafter, and a third shall retire by lot at the end
 d year; a fourth shall retire by lot at the end of the
 r; a fifth shall retire by lot at the end of the fifth year,
 th shall retire by limitation at the end of the sixth
 in each year a member shall be elected in the place of
 r so retiring, by the body by which he was elected, at
 to be held at noon on the same day of the week and
 he first election by such body, (or if that day be a legal
 en on the next following day not being such holiday,)
 mbers so retiring shall be eligible for re-election.

One elected
 member to
 retire in each
 year.

Election to
 fill vacancy.

y vacancy happening, from time to time, among the
 f the said corporation appointed by the Governor, not
 bers so appointed by reason of the refusal or neglect of
 l of the Quebec Board of Trade, or of the Council of the
 d of Trade, or of the Shipping Interest, or of refusal,
 ed, to accept office, shall be filled up by the Governor;
 othor vacancy may be filled by election of a member
 y by whom the member occasioning the vacancy was
 ave been elected,—such election being made within
 ys after the occurrence of the vacancy, and as nearly
 in the manner prescribed for the first election; and the
 e person elected to fill such vacancy shall, forthwith
 after

Vacancies
 how filled by
 Governor.

And by
 election.

Certificate of
 Election.

after his election, be certified to the Minister of Marine and Fisheries, as aforesaid.

Or by the Governor in default of election.

Term of office.

8. In case the proper body as aforesaid refuses, or for fourteen days after the occurrence of any such vacancy neglects to fill the same, and to certify to the said Minister the name of the person elected to fill the same, the Governor may appoint a person to fill such vacancy; and if any person elected at the first or a subsequent election to fill any office, refuses to accept the office, the Governor may appoint some other person to fill the same; and every person so appointed shall hold office for the same time as the elective member in whose place he is appointed would have held it, subject to the like provision as to retiring by lot.

Appointment by Governor how made.

9. Every appointment by the Governor under this Act shall be made by an instrument under the Great Seal of Canada; and the person so appointed shall hold office during pleasure; and any such appointment may be made at any time after the passing of this Act, to take effect on and after the first day of October next.

Quorum.

10. Any five members of the corporation of the Harbour Commissioners of Quebec shall be a quorum, and the majority of a quorum may exercise the powers of the corporation; and the existence of a vacancy or vacancies among the members shall not prevent or affect the exercise of the said powers, provided there be a quorum as aforesaid. The members of the corporation may from time to time, elect their own President.

President.

Time of entry into office.

11. The persons appointed or elected under this Act before the said first day of October next, shall enter into office and discharge the duties thereof on and after the same day; those to be thereafter appointed or elected shall enter into office and discharge the duties thereof from the date of such appointment or election.

Corporation continued under new members.

12. Nothing in this Act shall be construed as making the Quebec Harbour Commissioners a new corporation, or as requiring that any officer thereof, being such immediately before the said first day of October next, should receive a new appointment; but the members of the Corporation elected before the said day shall go out of office on the said day; and the members of the said corporation under this Act, whether elected or appointed, and their successors elected or appointed, from time to time, as required by this Act, shall be held to be the successors of the members of the corporation under the Acts constituting or continuing or relating to it.

Inconsistent enactments repealed: 22 V.c. 32.

13. So much of the Act of the legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, and intituled "*An Act to provide for the improvement and management of the Harbour of Quebec*," or any other Act or law amending the said Act, or relating to the said Corporation of the Quebec Harbour Commissioners, as may be inconsistent with this Act, is hereby repealed.

14. Whenever the Quebec Harbour Commissioners desire to acquire any immovable property for the improvement or extension of the said harbour or the accommodations thereof, they shall cause to be prepared a plan of such immovable property in triplicate; one triplicate whereof shall be deposited in the office of the Clerk of the Peace of the City of Quebec, another thereof in the office of the Minister of Marine and Fisheries, and the third in the office of the Minister of Public Works: and such plan shall be submitted to the Governor in Council for approval, and, upon being duly approved, if an amicable arrangement with the proprietor of such immovable property is not made, the said corporation shall have the right to acquire the same without the consent of the proprietor or proprietors thereof; and the third, fourth, fifth, sixth, seventh, eighth, ninth and tenth sub-sections of the ninth section of "*The Railway Act, 1868*," shall apply to the acquisition of immovable property for the purposes aforesaid, to the same extent and in the same manner as if the said sub-sections had been passed with express reference to the said Harbour of Quebec instead of with reference to railways, and the said Quebec Harbour Commissioners were therein referred to instead of the Railway Company:—

Corporation may acquire property for the improvement of the Harbour by expropriation and on what conditions. Plans to be filed after approval by Governor in Council.

Certain provisions of *Railway Act, 1868*, to apply.

If, after one month from the deposit of triplicates of such map or plan as herein provided and of the approval thereof by the Governor in Council, the said Corporation of the Quebec Harbour Commissioners shall not have agreed with the owner of such immovable property, then the said corporation shall have the right to acquire such land in manner following, that is to say:—

Proceedings for expropriation.

A notice shall be served upon the party in occupation of such land as proprietor, which notice shall contain,—

Notice.

1st.—A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

2nd.—A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

3rd.—The name of a person to be appointed as the arbitrator of the Quebec Harbour Commissioners, if their offer be not accepted:

If the proprietor of such land be absent from the Province of Quebec, or be unknown, then, upon application to a Judge of the Superior Court for Lower Canada residing in the District of Quebec, accompanied by an affidavit of some officer of the corporation that such proprietor is so absent or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order such notice to be inserted three times in the course of one month in two newspapers, one in the French and the other in the English language, published in the city of Quebec; and upon such publication being completed, the proprietor of such land

If the proprietor be absent.

land shall be conclusively held to have received notice of the intention of the corporation to acquire the land according to the provisions hereof:

Proceedings
under Railway
Act, 1868.

After the service of such notice or within one month after the publication thereof, the corporation may acquire such land in the manner and form as provided for the acquisition of land by railway companies without the consent of the proprietor, to wit:—the manner and form and by means of the proceedings prescribed by the fifteenth and following sub-sections of the ninth section “*The Railway Act, 1868* ;” in the same manner and with the same effect as if the said sub-sections had been made specially applicable to the said corporation, and were incorporated in this Act.

Property
vested in
corporation in
trust.

15. All property acquired and held by the Quebec Harbour Commissioners under this Act shall be held to have been and hereby declared to be transferred to and vested in and to be the property of the said corporation, in trust, for all purposes for which the said corporation was created, as fully to all intents and purposes as if so vested in them by their original Act of incorporation.

Power to
bring or
defend suits.

16. The said corporation shall have full power and authority to institute and defend all suits, actions and proceedings in any Court of Justice in respect of the said property and the land comprised within the said Harbour of Quebec, as fully as can be done by proprietors holding lands by valid title, or as might be done by or on behalf of Her Majesty in respect of the bed or beach of the River St Lawrence.

Recital.

17. And whereas the means at the disposal of the said corporation are altogether insufficient to enable them to meet their engagements, and at the same time to make such improvements in the said harbour as the trade of Quebec and of the Dominion imperatively require, therefore,—

Loan of
\$1,200,000
authorized.

For the relief of the said corporation of the Quebec Harbour Commissioners, and for the improvement of the said harbour, it shall be lawful for the Governor in Council to raise, by the issue of debentures bearing interest, payable half-yearly, at the rate of five per cent. per annum, and redeemable in forty years, the sum of one million two hundred thousand dollars:

Appropriation
for purchase of
debentures of
the corporation.

Out of the sum so raised the Governor in Council may authorize the application of such sums as may be necessary for the purpose, to the redemption, at a rate not exceeding par, of such of the outstanding debentures of the Corporation as shall be presented for that purpose to such officer or person and in such manner as the Governor in Council may appoint: Provided always, that interest on all such debentures which shall not be so presented for redemption before the first day of October in the present year, one thousand eight hundred and seventy-three, shall cease to accrue on and after the said day:

Proviso.

The remainder of the sum so raised shall be advanced from time to time to the said corporation to meet payments to be made on account of improvements in the said harbour, and which they are hereby authorized to make,—such improvements having been previously sanctioned by the Governor in Council, on the joint report of the Minister of Marine and Fisheries and the Minister of Public Works; and shall be applied to no other purpose whatever:

Remainder for improvement of the Harbor.

Upon the payment or advance of any sum, by the Government, under the foregoing provisions, the said corporation shall deposit with the Receiver General their own bonds for the same amount, in such form as he may approve, bearing interest at the rate of five per cent. per annum, and one per cent. per annum for a sinking fund; and the sinking fund so created shall be kept by the Receiver General as a special account, and interest, at the rate of five per cent. per annum, shall be allowed by him on all amounts received from it, or investments of such amounts may be made by him from time to time in securities approved by the Minister of Finance, and the interest thereon credited to the corporation in the said account:

Provision for repayment by the corporation.

The interest and the contributions to the sinking fund on the bonds given by the said corporation for sums paid or advanced for the purposes aforesaid shall be payable by the said corporation from the time of such payment or advance:

Interest and Sinking Fund when payable.

The said interest and sinking fund shall be payable by the said corporation out of the income of the said corporation from the tolls, rates, dues, penalties and other sources of income, under the Act first hereinbefore cited, or any Act amending it, or this Act; and shall be the first charge thereon, and paid out of the same in preference to all other charges whatsoever, after defraying the expenses of collecting the same, and of keeping the wharves and other works and property of the corporation in a thorough state of repair, and the indispensable expenses of management; and if, at any time, such income should be insufficient, or should be reported by the corporation as likely to be insufficient to meet such interest and sinking fund, then it shall be lawful for the Governor in Council from time to time to increase the said tolls, rates and dues so as to enable the said corporation to pay such interest and sinking fund, and the arrears thereof, if any.

Out of what funds.

If such funds are found insufficient.

18. It shall be lawful for the said corporation, in addition to the tolls, rates, duties and dues, which they are empowered to impose and levy by the Act herein first above cited and by the Act of the legislature of the late Province of Canada passed in the twenty-fifth year of Her Majesty's reign, and intituled "*An Act to amend an Act to provide for the improvement and management of the Harbour of Quebec*," to impose, fix and establish from time to time and to levy tolls, rates, duties and dues, upon the vessels and articles hereinafter mentioned, not exceeding the following, that is to say:—

Corporation may levy additional rates.

25 V.c. 46.

Maximum
rates.
on vessels.

On steamers plying between Quebec, or any place on the River St. Lawrence above Quebec, and any port or ports in the Gulf of St. Lawrence, or in Gaspé, the Bay of Chaleurs, New Brunswick or Nova Scotia, Prince Edward Island or Newfoundland, each one cent per ton, per trip,—but such steamers shall not be liable to the tonnage duty under the Act last cited ;

On tow boats and steamers of twelve tons and under, plying the Harbour and Port of Quebec, for the season, ten dollars each ;

On tow-boats and steamers over twelve tons, plying in or to the Harbour of Quebec, for the season, fifteen dollars each ;

On ferry steamers and small market steamers, plying in or to the Harbour of Quebec, for the season, ten dollars each ;

On steamers of the Richelieu Company and all steamers plying between Quebec and Montreal, for the season, each, one hundred and fifty dollars ; and on all other steamers trading to other places west of Montreal, and not being daily boats, three dollars per trip ;

On other steamers plying between Quebec and places on the River St. Lawrence, below the Harbour of Quebec, or above the same but below Montreal, or places on the River Richelieu, or the River Saguenay, for the season, fifty dollars each ;

On schooners and barges, of from twenty-five to one hundred tons, for each time the vessel uses the Harbour of Quebec, one dollar, or on each vessel for the season, five dollars ; on schooners and barges from one hundred to two hundred and fifty tons, two dollars per trip, or ten dollars per annum ;

On all steamers and sailing vessels entering and using the said Harbour, not included in the foregoing provisions, and which do not pay tonnage dues to the corporation under the Acts hereinbefore cited,—for every day of twenty-four hours, if of or under one thousand tons, one half cent, and if over one thousand tons, one quarter of a cent, per ton per day ; with power to the Commissioners to commute this for an annual tax ;

(The tonnage in the case of registered vessels to be their tonnage per register)

On goods
imported or
exported.

On all goods, wares and merchandise of any kind whatsoever including timber, lumber and wood goods of every kind, imported into or exported from the Port of Quebec, by sea, to or from any place out of the Province of Quebec, at a rate of one-tenth of one per cent. on the invoice value thereof :

Proviso : as
to vessels
passing to
and from
Montreal.

Provided always, that vessels coming from or going to Montreal and merely passing through the Harbour of Quebec, and not landing any cargo or taking any on board, shall not be liable

any tonnage dues under this section ; and in cases where a portion of the cargo is landed or transhipped, only such portion as is landed or transhipped shall be liable to dues ; and in the case of any vessel taking part of her cargo on board at Quebec, only such portion as is taken on board shall be liable to dues.

19. The master or person in charge of any vessel arriving in the Port of Quebec and discharging cargo thereat from any port within the Dominion of Canada shall be bound, within forty-eight hours after the arrival of such vessel in the Harbour of Quebec, to furnish the Secretary of the said corporation with a true statement of the cargo of his said vessel ; and, in default of his so doing, he shall be liable to a penalty of fifty dollars or imprisonment not exceeding one month.

Masters of certain vessels to report cargo.

20. The said corporation shall have power to make a by-law to prescribe where all vessels entering and loading in the Harbour of Quebec shall discharge their cargo or ballast, and to prevent any such vessels from discharging ballast in the said harbour.

By-laws as to ballast.

21. The said corporation shall have the same power and authority with respect to the south side of the River St. Lawrence in the Harbour of Quebec, as that conferred upon the said corporation of Quebec Harbour Commissioners by the first above cited Act, and by any Act or Acts amending the same with regard to the north side of the said river.

Powers of corporation on south side of the river.

22. The tolls, rates, duties and dues to be imposed under this Act shall be collected, recovered and payment thereof enforced in like manner with those imposed by or under the Acts heretofore cited and under the like penalties in case of default ; and the provisions of the said Acts shall apply to them, and to things to be done under this Act, which shall be interpreted as forming one Act with them and the other Acts amending the Act first above cited ; and all words and expressions in this Act, shall be construed as having the same meaning as in the said Acts : Provided always, that the valuation of goods on which *ad valorem* rates or dues are imposed by or under the said Acts or any of them, or this Act, shall be made under the Customs laws now in force or which may be in force when such valuation is made ; and such Customs Acts shall be understood as referred to in the twenty-fifth section of the Act first above cited, instead of the Customs laws therein mentioned.

Collection of tolls, &c.

Proviso as to valuation of goods for wharfage, dues, &c.

23. It shall be lawful for the said corporation to borrow, at a rate of interest not exceeding six per cent. per annum, such sum of money, as, with any sums voted by the Parliament of Canada or granted for the purpose by Her Majesty's Imperial Government, will be sufficient to defray the cost of constructing a graving dock in the Harbour of Quebec of such dimensions and on such plan as shall have been approved by the Governor in Council, upon the joint report and recommendation of the Ministers of Marine and Fisheries and of Public Works ;—the money so bor-

Power to corporation to borrow money to construct a graving dock.

rowed

How to be
secured and
paid.

rowed to be secured by debentures of which the principal interest shall be payable solely out of the net income of the corporation to be received from dues for the use of the said dock, to be imposed by the said corporation with the approval of the Governor in Council.

CHAP. 63.

An Act respecting the Harbour of Pictou, in Nova Scotia

[Assented to 23rd May, 1881]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Definitions.

1. In the construction, and for the purposes of this Act (in so far as it is inconsistent with the context or subject matter) the following terms shall have the respective meanings hereinafter assigned them, that is to say:

“Ship” shall include every description of vessel used in navigation, not propelled by oars:

“Master” shall include every person (except a pilot) in command or charge of a ship.

Commissioners to be appointed.

2. The Governor may from time to time appoint three commissioners under this Act to have the superintendence of the Harbour and Harbour Master of the Port of Pictou, in the Province of Nova Scotia, and to be in the place and stead of the commissioners under section thirty-seven of chapter seventy-one of the Revised Statutes of Nova Scotia, third series, part one, in “*Of Pilotage, Harbours and Harbour Masters.*”

Harbour Master.

3. The Governor may from time to time appoint a proper person to be Harbour Master for the said Port of Pictou.

Under Minister of Marine and Fisheries.

4. The Commissioners and Harbour Master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom they shall respectively furnish a report in writing and on oath, on or as soon as possible after the third day of December in each year, of their doings in office, and of the moneys received and expended by them.

Powers and duties of Harbour Masters to be defined by regulations of Commissioners.

5. The said Commissioners shall have power, from time to time, with the consent of the Governor in Council to make, amend, alter, and repeal rules and regulations defining the rights, powers and duties of the Harbour Master of the said port, and the use, management and government of the said harbour and of the public wharves.

at, constructed under the thirty-seventh section of the said chapter seventy-nine of the Revised Statutes of Nova Scotia, and the rates of wharfage to be paid for the use of the said wharf; and by such rules and regulations to impose reasonable penalties, not in any case exceeding one hundred dollars, for any breach of such rules and regulations, with, in the case of continuing breach thereof, a further penalty not exceeding ten dollars, for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a minimum penalty; and every breach of any such rule or regulation shall be deemed an offence against this Act, and every such penalty shall be held to be a penalty imposed by this Act.

Regulations
may impose
penalties.

6. The said Commissioners shall place and maintain the necessary buoys and beacons in and for the said harbour.

Buoys, &c.

7. The salary of the Harbour Master shall be at the rate of not exceeding four hundred dollars per annum, with an allowance at the rate of not exceeding two hundred dollars per annum, for the expenses of a boat and boat's crew, to be paid out of the harbour dues hereinafter mentioned.

Salary of
Harbour
Master.

8. The said Harbour Master shall furnish copies of the rules and regulations made under this Act, and in force, from time to time, to every licensed pilot of the Port of Pictou, who shall give one of such copies to the master of every ship which he shall take in charge.

Copies of
regulations to
pilots.

9. It shall be the duty of the said Harbour Master to prosecute every person violating any rule or regulation made under this Act; and it shall be the duty of the said Commissioners to see that such prosecutions are brought and effectively conducted.

Prosecuting
offenders.

10. A rate or duty of one cent and a half cent per ton on the registered tonnage of each ship exceeding forty tons register, shall be levied and collected as harbour dues on all ships over forty tons register entering the said harbour.

Harbour dues.

11. The said harbour dues shall be collected by the Collector of Customs at the said port, who shall not grant entry inwards to any ship until the harbour dues on her are paid; and who shall pay, out of the sums so by him collected, the salary of the Harbour Master, and his allowance for the expenses of a boat and boat's crew; and shall pay over any balance thereof to the said Commissioners, for the maintenance and improvement of the said harbour and wharf, and the buoys, beacons and other appurtenances thereof.

Collection and
application
thereof.

12. The said Commissioners shall expend so much of the balance so paid over to them, as may remain after the payment of the necessary expenses of the maintenance and repairs of the said harbour, wharf, buoys, beacons and other appurtenances, in improving the said harbour and wharf and their appurtenances, in such manner and according to such plan as may be suggested by them, and approved by the Minister of Marine and Fisheries.

Expenditure
of balance in
improvements.

Extent of
Harbour.

13. The said harbour shall include and consist of all the space and beach, up to high water mark, within a line drawn from Logan Point to Roaring Bull Point, as far up as the tide ebbs and flows.

Repealing
clause.

14. So much of the said chapter seventy-nine of the *Statutes of Nova Scotia* as may be inconsistent with this Act is hereby repealed.

CHAP. 64.

An Act to amend the Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams.

[Assented to 23rd May, 1868]

Preamble.
Con. Stat.
Can. c. 68.

WHEREAS it is expedient to amend the sixty-eighth chapter of the Consolidated Statutes of Canada, intituled: "*Act respecting Joint Stock Companies to construct works to facilitate the transmission of Timber down Rivers and Streams*":
Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Penalty on
company not
complying
with s.s. 27,
28 and 60.

How re-
covered and
appropriated.

1. Every company heretofore formed, or which may be hereafter formed, under the above recited Act or any Act amending the same, who shall neglect or omit to comply with the provisions of the twenty-seventh, the twenty-eighth and the twenty-ninth sections of the said above recited Act, shall incur a penalty not less than fifty dollars and not more than two hundred dollars in current money of Canada: and such penalty shall be recovered with costs, in a summary manner, before any Justice of the Peace upon the oath of one credible witness; and such Justice of the Peace shall levy such penalty and costs, if not forthwith paid, by warrant of distress and sale of the goods and chattels of such company; and such penalty shall belong to Her Majesty for the public uses of the Dominion.

Construing
this Act.

2. This Act shall be construed as forming part of the Act recited.

CHAP. 65.

the better protection of Navigable Streams and Rivers.

[Assented to 23rd May, 1873.]

AS it is expedient to provide for the better protection of navigable streams and rivers: Therefore Her Majesty, by the advice and consent of the Senate and House of Canada, enacts as follows:—

And after the passing of this Act, no owner nor tenant of any land, nor any workman therein, nor other person or persons shall throw or cause to be thrown, or suffer or permit to be thrown, any sawdust, edgings, slabs, bark or rubbish of any kind whatsoever, into any navigable stream or river either above or below the point at which such stream or river ceases to be navigable.

No sawdust, &c., to be thrown into navigable streams.

Any person or persons violating the preceding section shall be liable, for the first offence, to a fine of not less than twenty dollars, and for the second and each subsequent offence, to a fine of not less than fifty dollars, which fine shall be recoverable summarily in any court of competent jurisdiction in the same manner as provided for the recovery of penalties under the *Fisheries Act*.

Penalty for contravening this Act.

It shall be the duty of the several fishery officers to examine from time to time, and to prosecute all parties contravening the provisions of this Act; and such officers shall, for enforcement of this Act, have and exercise all the powers now vested in them for like purposes by the *Fisheries Act*.

Fishery officers to enforce this Act.

It shall always be the duty of the Governor in Council, that when it can be shewn to the satisfaction of the Governor in Council that the public interest would be materially affected thereby, the Governor in Council shall from time to time, by proclamation in the *Canada Gazette*, declare any such stream or river, or part or parts thereof, to be exempted from the operation of this Act in whole or in part, and shall have power, from time to time, to revoke the same.

Exemptions by proclamation in certain cases.

CHAP. 66.

An Act to incorporate the Dominion Board of Trade

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS a certain association, consisting of delegates representing certain commercial organizations, to wit, the Montreal Board of Trade, the Montreal Corn Exchange Association, the Québec Board of Trade, the Toronto Board of Trade, the Ottawa Board of Trade, the Belleville Board of Trade, the Hamilton Board of Trade, the Kingston Board of Trade, the London Board of Trade, and the Saint John, New Brunswick, Chamber of Commerce, met on the sixth day of October, one thousand eight hundred and seventy, in the City of Montreal, for the purpose of constituting a Dominion Board of Trade, and then and there adopted a constitution and by-laws, in order to promote the efficiency and extend the usefulness of the various Boards of Trade, Chambers of Commerce, or other chartered bodies organized throughout the Dominion for commercial purposes, and to secure unity and harmony of action in reference to commercial usages, customs and laws, and for other purposes connected therewith; and it is desirable that the said Dominion Board of Trade should be incorporated and vested with such powers for the purposes aforesaid as may not be inconsistent with any law in force or hereafter to be in force in the said Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Dominion Board of Trade incorporated.

1. The several organizations hereinbefore mentioned, and such other commercial organizations, as may, since the said sixth day of October, one thousand eight hundred and seventy, have become united with the said Dominion Board of Trade, or any such other commercial organizations in the Dominion, as may hereafter be constituted by any Act of Parliament, or under the provisions of this Act, are hereby constituted a body politic and corporate, by the name of "The Dominion Board of Trade," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, within the said Dominion and other places; and by that name they and their successors shall have perpetual succession and may have a common seal, and may break, alter or renew the same at pleasure, and the legal domicile of the said corporation shall be at the City of Montreal.

Amendment of constitution and by-laws.

2. It shall be lawful for the said corporation, or a majority of them present at any general meeting, consisting of not less than fifteen members, to alter or amend its constitution, and to make and enact such by-laws, rules and regulations, for the government of the said corporation, its Council, officers and affairs, and the promotion of the objects contemplated by its constitution, and from time to time to repeal, alter or amend the said constitution.

by-laws as such majority shall deem meet: Provided that no Proviso.
 by-law or provision in the said constitution shall be contrary
 or inconsistent with the laws in force in the said Dominion; and
 the constitution and by-laws shall be binding on all members of
 the said corporation, its officers and servants, and all other persons
 whosoever lawfully under its control.

3. Within six months from the passing of this Act the Secre- Secretary to
 tary of the Dominion Board of Trade shall record and attest by register and
 signature in a register to be kept for that purpose, the existing attest con-
 constitution and by-laws of the said Dominion Board of Trade, stitution and
 and shall subsequently record and attest any by-laws or resolutions amendments:
 which shall change in the constitution to be made hereafter; and a certified legal effect of
 copy thereof, or any amendment, alteration, repeal or addition such register.
 hereto, so entered in the said register as herein provided, certified
 to be a true copy of such constitution, by-laws or resolutions, as
 recorded in the said register, under the hand of the said Secretary
 and the seal of the said Corporation, shall be *prima facie* evidence
 of the contents thereof, in all courts of law and equity in the
 said Dominion.

CHAP. 67.

An Act to incorporate the King's County Board of
 Trade.

[Assented to 23rd May, 1873.]

WHEREAS the persons hereinafter mentioned, resident or Preamble.
 carrying on business in King's County, in the Province of New
 Brunswick, or in the vicinity thereof, have by their petition re-
 presented that they have associated themselves together for some
 time past, for the purpose of promoting such measures as they
 have deemed important towards developing the general trade of
 Canada, and the County of King's in particular; and have further
 represented that their said association would be more efficient in
 its operations, should an Act of incorporation conferring certain
 powers on them and their successors be granted; and whereas it
 is expedient that the prayer of the said petition be granted: There-
 fore Her Majesty, by and with the advice and consent of the Senate
 and House of Commons of Canada, enacts as follows:—

1. James Domville, M.P., of Rothesay; George H. White, Hugh Incorporation.
 Monagle, senior, William Fairweather and Andrew McAfee, of
 New Brunswick; Walter B. Scovil and Samuel B. Raymond, of Springfield;
 and M. Raymond and Edward J. Baxter, of Norton; Samuel
 Cutler and W. P. Flewelling, of Kingston; J. Titus and John
 Edward, of Rothesay; J. Cutler Upham, and Thomas Worall,
 of Upham; J. D. M. Keator and John Darling, of Hampton; Alfred
 Markham

Corporate name and general powers. Proviso as to real and personal estate.

Proviso as to corporate powers.

Markham and John Mills, of Hammond; Murray B. Keith and John C. Price, of Havelock; John M. Stocton and John Sheck, of Stadholm; D. Warrington Belyea, David Homm, Jeremiah Dolan and John Linton, of Westfield; William McLeod and John L. Wilmot, of Greenwich; John W. Cookson and B. Mills, of Kars, and such other persons resident or carrying on business in King's County, in the Province of New Brunswick, or in the vicinity thereof, as are or shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors shall be and are hereby constituted a body politic and corporate by the name of the "King's County Board of Trade;" and by that name shall have all the general powers made incident to corporations by "*The Interpretation Act*:" Provided always, that the clear annual value of the real and personal estate, together held by the said corporation at any one time shall not exceed ten thousand dollars; and provided also that the said corporation shall not have nor exercise any corporate powers excepting such as are expressly conferred on the said corporation by this Act, or are necessary for carrying the same into effect, according to its true intent and meaning.

Application of funds.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to extend and promote the just and lawful trade of Canada generally and of the County of King's more especially, or as may be necessary for attaining the objects for which the said corporation is instituted according to the intent and meaning of this Act.

Domicile.

Service of process.

3. The legal place or places of meeting of the said corporation, as designated by by-law of the Council, shall be held to be the legal domicile thereof; and service at such place or places of any notice or process of any kind addressed to the said corporation, shall be held to be sufficient service of such notice or process on the corporation.

Council of Corporation.

4. For the management of the affairs and business of the said corporation, there shall be a council to be called "The Council of the King's County Board of Trade," which shall, until the first election hereinafter mentioned, consist of a President, a Vice-President and twenty-nine other members of the Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said corporation.

Provisional President, Vice-President and members of Council.

5. The said James Domville shall be the President, the said George H. White the Vice-President; and the said Hugh McMonagle, senior, William Fairweather, Andrew McAfee, Walter B. Scovil, Samuel B. Raymond, John M. Raymond, Edward J. Baxter, Samuel Foster, W. P. Flewelling, J. Titus, John Woodward, J. Cutler Upham, Thomas Worall, J. D. M. Keator, John Darling, Alfred Markham, John Mills, Murray B. Keith, John C. Price, John M. Stocton, John Sheck, D. Warrington Belyea, David Homm, Jeremiah Dolan, John Linton, William McLeod, John L. Wilmot, John W. Cookson and B. Mills, the other members of

the Council, until the first election to be had under provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council of the said corporation by this Act.

6. The members of the association shall meet annually at some place within the County of King's, of which due notice shall be given by the Council for the time being on the first Thursday in the month of July of each year; and they or a majority of them shall then and there elect by ballot from among the members of the association, one President, one Vice-President and twenty-six other members of the Council; and the Council so constituted shall, at their next meeting thereafter, choose, from among the members of the association, six other persons to be members of the said Council,—making such choice in such manner that, as far as may be, the principal branches of trade and commerce carried on within the County of King's shall be represented therein; and the President, Vice-President and members so elect and chosen shall form the Council of the said association, and shall hold their office until others shall be elected at the next annual meeting, or until they shall be removed from office or shall vacate the same under the provisions of any by-law of the association: **Annual meeting and election of members and officers of Council.** **Term of office.** **Proviso in case of failure of election.** Provided always, that if the said election shall not take place in the month of July in any year, such election may be had at any general meeting of the association to be called in manner hereinafter provided, and the members of the Council then in office shall so remain until such election shall be had.

7. If any member of the Council shall die, resign his office or be absent for six months continuously from the said Province, it shall be lawful for the said corporation, if they shall see fit, at any general meeting to elect a member of the corporation to be a member of the Council in the place of the member so dying or resigning or being absent; and the member so elect shall hold office until the next election, and no longer, unless re-elected. **Vacancies how filled.**

8. At any annual or general meeting of the corporation any six or more members shall form a quorum, and shall be competent to do and perform all acts which, either by this Act or by any by-law of the corporation, are or shall be directed to be done at any such general meeting. **Quorum at general meetings.**

9. Any member of the said corporation intending to retire therefrom or resign his membership may at any time do so, upon giving to the Secretary ten days' notice of such intention in writing, and discharging any lawful liability which may be standing on the books of the said corporation against him at the time of such notice. **Retirement of members.**

10. It shall be lawful for the said corporation, or the majority of those present and being a quorum, at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said corporation, providing for the admission and expulsion **Power to enact by-laws for certain purposes.**

expulsion or the retirement of members, and for the management of its Council, officers and affairs, and the guidance of the Board of Arbitration hereinafter mentioned, and all other by-laws in accordance with the requirements of this Act or the laws of Canada as such majority may deem advisable; and such by-laws shall be binding on members of the said corporation, its officers and servants, and all other persons whomsoever, lawfully under its control.

Who may become members of the corporation.
Proviso as to others.

11. Each and every person resident in the County of King's, being or having been a merchant, trader, mechanic, farmer, resident director or manager of a bank or insurance agent in the said county shall be eligible to become a member of the said corporation: Provided always, that any other person whosoever shall be eligible to be proposed and balloted for as a member, and to become a member of the said corporation as aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Extraordinary general meetings how called.

12. It shall always be lawful for the President or the Council of the corporation, by at least nine days' notice being given in two newspapers published in New Brunswick, to call a general meeting of the corporation, for any of the purposes of this Act. It shall be the duty of the President, upon a requisition to that effect in writing, signed by at least five members of the Council, to call a general meeting of the corporation for the purposes stated in such requisition.

Additional powers of the council under by-laws.

13. The said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-laws of the corporation,—except only the power of enacting or altering any by-law, which shall be done in the manner provided by this Act, and no other; and any five or more members of the Council lawfully met, (and of whom the President or Vice-President shall be one), shall be a quorum; and any majority of such quorum may do all things within the power of the Council; and at all meetings of the said Council, and at all general meetings of the corporation, the President, or in his absence the Vice-President, or if both be absent any member of the Council then present who may be chosen for the occasion, shall preside, and in all cases of equality of votes, shall have a double or casting vote.

Meetings of the council.

Who to preside.

Casting vote.

Secretary and treasurer.

14. It shall be competent to the said Council to appoint, and from time to time to remove and re-appoint, a Secretary and Treasurer of the Board; and to hold meetings from time to time, and to adjourn the same when necessary; and at the said meetings to transact such business as may, by this Act or by the by-laws of the corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary at the instance of the President or at the request of any two members of the Council; or by the said President or members, in case there shall be no Secretary, or in case the Secretary for the time being shall neglect or refuse to summon any such meeting.

Special meetings.

15. It shall be the duty of the Council hereby appointed, so By-laws to be framed and submitted for adoption. as may be after the passing of this Act, to frame such by-laws, rules and regulations as they shall consider best adapted to promote the welfare of the corporation and the purposes of this Act, and to submit the same for adoption to a general meeting of the corporation called for the purpose, in the manner hereinbefore provided.

16. All subscriptions of members due to the corporation under any by-law by any person bound thereby, and all other sums of money due to the corporation shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the corporation in any court of competent civil jurisdiction. Subscriptions how paid or recovered.

17. The meetings of the members of the Council shall be open to all other members of the corporation, who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings of all such meetings and of all general meetings of the corporation shall be entered in the register to be kept for that purpose by a person or persons appointed to keep the same, and the entry shall be signed by the Secretary; and such register shall be open at all reasonable hours to any member of the corporation free of any charge, and also to all other persons, on payment of a fee of twenty cents to the officer having charge of the register. Meetings and minutes of proceedings. Minutes to be open to all persons.

18. At the same time and times as are hereby appointed for the election of the Council, and in the same manner, it shall be lawful for the members of the said corporation to elect from among their number six persons who shall be called "the Board of Arbitration", and any three of whom shall have the power to arbitrate upon, and to give their award in any commercial case of difference which shall be voluntarily referred to them by the parties concerned: and whenever any such parties shall agree and bind themselves, by bond or otherwise, to submit the matter in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the said Board, who may, either by the special order of the Board or by virtue of any general rule adopted by them or under any by-laws of the corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board; and any such submission shall be in the form of the schedule of this Act, or in other words to the same effect. Board of Arbitration. Powers and duties of Board. Form of submission.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration, and will, in all cases submitted to them, give a true and just award according to the best Members of Board of Arbitration to be sworn.

best of their judgment and ability, without fear, favor or affection of or for any person or party whomsoever; and this oath shall be kept among the documents of the corporation.

Member of council may be an arbitrator.

20. Any member of the Council of the corporation may be at the same time a member of the said Board of Arbitration.

Powers of arbitrators.

May examine witnesses under oath.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them shall have full power to examine into the facts of such case, and to examine on oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appears voluntarily before them and shall be willing to be so examined, and shall give their award thereupon in writing; and their decision or that of any two of them, given by such award, shall bind the parties according to the terms of the submission and to the provisions of this Act.

Affirmation allowed instead of oath.

Perjury.

22. Any person, who may by law in other cases make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case when, by this Act, an oath is required; and any person hereby authorized to administer an oath, may in such case as aforesaid administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is by this Act required or authorized, shall be guilty of wilful and corrupt perjury.

Saving of rights of the Crown.

23. Nothing in this Act shall affect the rights of Her Majesty, her heirs or successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

SCHEDULE.

FORM OF SUBMISSION TO THE AWARD OF THE BOARD OF ARBITRATION.

KNOW all men that the undersigned and the undersigned (*if there be more parties, that is more separate interests, mention them*), having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves, under a penalty of

, to perform the award to be made by the Board of Arbitration in the case aforesaid, under the penalty aforesaid to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In witness whereof the parties have hereunto interchangeably set their hands at _____ on the _____ day of _____

FORM OF OATH TO BE TAKEN BY THE MEMBERS OF THE BOARD OF ARBITRATION.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the Board of Arbitration of the King's County Board of Trade, and that I will in all cases in which I shall act as Arbitrator give a true and just award, according to the best of my judgment and ability, without fear, favor or affection of or for any party or parties whomsoever. So help me God.

CHAP.

CHAP. 68.

Act to incorporate the Oshawa Board of Trade.

[Assented to 23rd May, 1873.]

WHEREAS Thomas Nicholson Gibbs, M. P., William Henry Gibbs, M. P., Francis Wayland Glen, Esquire, Algernon Sidney Whiting, Esquire, William McGill, M. P., William Frederick Cowan, Esquire, John Cowan, Esquire, Francis Rae, M. D., George F. Blamey, John S. Larke, Robert Smith, Alexander Henderson, James Carmichael and James Smith, all of the Village of Oshawa, in the County and Province of Ontario, have by their petition prayed that they may be incorporated for the purpose of establishing a Board of Trade at the Village of Oshawa, in the County and Province of Ontario; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said Thomas Nicholson Gibbs, William Henry Gibbs, Francis Wayland Glen, Algernon Sidney Whiting, William McGill, William Frederick Cowan, John Cowan, Francis Rae, George Blamey, John S. Larke, Robert Smith, Alexander Henderson, James Carmichael and James Smith, and such other persons resident or interested in the village of Oshawa, as are or shall be associated with the persons above-named for the purposes of this Act in the manner hereinafter provided, and their successors shall and are hereby constituted a body politic by the name of "The Oshawa Board of Trade," for the purposes hereinafter mentioned, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts of law or equity and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever; and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as they and their successors may see fit, and other estate, real or personal to acquire instead thereof: Provided always, that the yearly annual value of the real estate held by the said corporation, at any one time, shall not exceed five thousand dollars.

Preamble.

Incorporation.

Corporate name and powers.

Proviso as to real property.

2. The funds and property of the said corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of Canada generally and of the village of Oshawa in particular, or may be necessary to carry out the objects for which the said corporation is constituted, according to the true intent and meaning of this Act.

Application of funds and property.

Domicile.
Service of
process.

3. The usual place of meeting of the said corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind addressed to the said corporation shall be held to be sufficient service thereof on the corporation.

Council.

4. There shall be a council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President, Secretary-Treasurer and four other members of the Council, all of whom shall be members of the said corporation, and shall have the powers and perform the duties hereinafter assigned to the said Council.

Provisional
officers and
members of
Council.

5. The said Thomas Nicholson Gibbs, M. P., shall be President, the said William McGill, Vice-President, the said John S. Larke Secretary-Treasurer, and the said William Henry Gibbs, Francis Wayland Glen, Algernon Sidney Whiting and William Frederick Cowan, the other members of the Council until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

General meet-
ings and
elections.

6. The members of the said corporation shall hold a general meeting every three months, that is to say, on the last Monday in June, September, December and March in each year, at some place within the Village of Oshawa, of which notice naming the time and place shall be given by the Secretary-Treasurer of the Council for the time being, at least three days previous to such meeting through one newspaper or otherwise, as may be thought necessary by the said Council; and the meeting held in June shall be called the general annual meeting; and at the general meeting in the month of June, the members of the said corporation present or a majority of them shall then and there elect in such way as shall be fixed by the by-laws of the corporation, from among the members of the corporation, one President, one Vice-President and the Secretary-Treasurer and four other members of the Council, who with the President, Vice-President and Secretary-Treasurer shall form the Council of the corporation and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of June as aforesaid, or until they shall be removed from office or vacate the same under the provisions of any by-law of the corporation: Provided always, that if the said election shall not take place on the last Monday of the month of June, as aforesaid, the said corporation shall not thereby be dissolved, but such election may be had at any general meeting of the corporation to be called in manner hereinafter provided, and the members of the Council in office shall continue in office until such election shall be had.

General
annual meet-
ing.

Term of office
of Councillors.

Election to
vacant seats
in certain
cases.

7. If any member of the Council shall die, resign his seat or be absent for three months continuously from the meetings of the Council, it shall be lawful for the Council, at any meeting thereof, to elect a member of the Council in the place of the member so

dying or resigning or being absent; and such new member shall be elected by a majority of the members of the Council present at any meeting of the same at which there is a quorum present; and the member so elected shall hold office until the next general annual meeting of the corporation, and no longer, unless re-elected.

New members
and their term
of office.

8. At any general or general annual meeting of the corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of the members present at such meeting shall be competent to do and perform all acts which, either by this Act or by any by-law of the corporation, are or shall be directed to be done at any such meeting.

Quorum at
annual or gen-
eral meeting.

9. Any member of the corporation, intending to retire therefrom or resign his membership, may, at any time, do so upon giving to the Secretary-Treasurer, in writing, ten days' notice of such his intention and discharging all lawful liabilities which may be standing upon the books of the corporation against him at the time of such notice.

Members
resigning.

10. It shall be lawful for the corporation or the majority of them present at any general meeting to make and enact such by-laws, rules and regulations for the government of the corporation, providing for the admission, subscription and expulsion or the retirement of members and for the management of its Council, officers and affairs and for the guidance of the Board of Arbitrators hereinafter mentioned, and fixing the date and place of the regular meetings of the Council and all other by-laws in accordance with the requirements of this Act or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all the members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its control: Provided that no by-law shall be made or enacted by the corporation, without notice in writing thereof having been given by one member and seconded by another member at a previous meeting of the corporation, and duly entered in the books of the said corporation as a minute of the corporation.

Power to make
rules and by-
laws.

Proviso as to
notice of
proposed by-
law.

11. Each and every person then resident at the village of Oshawa or in the county of Ontario, and being or having been a manufacturer, merchant, trader, mechanic, manager of a bank, insurance agent or builder, shall be eligible to become a member of the corporation; and at any general meeting of the corporation it shall be lawful for any member of the Council, or of the corporation to propose any such person as a candidate for becoming a member of the corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the corporation then present, he shall thenceforth be a member of the corporation and shall have all the rights, and be subject to all the obligations which the other members thereof possess or are subject to: Provided always, that any person, not being or having been a manufacturer, merchant, trader, mechanic, manager of a bank, insurance agent

Qualification
of members.

Proposal and
election.

Proviso as to
persons not
otherwise
qualified.

agent or builder, shall be eligible to become a member of the said corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Special general meetings.

12. It shall be lawful for the Council or a majority of them, by a notice inserted in one or more newspapers published in the said village of Oshawa, at least one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the corporation, and mailed one day previous to the said meeting to each member of the corporation, or by such notice sent by the Secretary-Treasurer to the residence or place of business of each member of the corporation, to call a general meeting of the corporation for any purpose of this Act.

Meetings of Council, how called, &c.

13. It shall be competent for the said Council to hold meetings from time to time and adjourn the same when necessary and at the said meetings to transact such business as may by this Act or the by-laws of the corporation be assigned to them; and such meetings of the Council shall be convened by the Secretary-Treasurer at the instance of the President, or upon the request of any four members of the said Council; and the said Council shall in addition to the powers hereby expressly conferred on them have such powers as shall be assigned to them by any by-law of the corporation except only the power of enacting or altering any by-law or admitting any member, which shall be done in the manner provided for by this Act and in no other; and any four or more members of the Council lawfully met (of whom the President or Vice-President shall be one, or, in case of their absence, any four or more members lawfully met) shall be a quorum; any majority of such quorum may do all things within the power of the Council; and at all meetings of the Council, and at all general meetings of the corporation, the President, or, in his absence, the Vice-President, or, if both be absent, any member of the Council then present, who may be chosen for the occasion, shall preside, and shall in all cases of an equality of votes, upon any division, have a casting vote.

Powers.

Quorum

Casting vote.

Council to frame by-laws and submit them to corporation.

14. It shall be the duty of the Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations as shall seem to the Council best adapted to promote the welfare of the corporation and the purposes of this Act; and to submit the same for adoption at a general meeting of the corporation, called for that purpose, in manner hereinbefore provided.

Payment and recovery of subscriptions, penalties, &c.

Suit.

15. All subscriptions of members due to the corporation under any by-law, all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the corporation shall be paid to the Secretary-Treasurer thereof; and in default of payment, may be recovered in any action brought in the name of the corporation; and it shall only be necessary in such action to allege that such person is indebted to the corporation in the

sum of money, the amount of arrears on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the corporation by virtue of this Act.

16. On the trial or hearing of any such action, it shall be sufficient for the corporation to prove that the defendant at the time of making such demand was or had been a member of the corporation, and that the amount claimed by the corporation as subscription, penalty or otherwise was standing unpaid upon the books of the corporation. Proof in such cases.

17. The meetings of the Council shall be open to all members of the corporation who may attend at the same, but they shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the Council or of the corporation shall be entered in books to be kept for that purpose by the Secretary-Treasurer of the corporation; and the entries thereof shall be signed by the President of the Council or such other person as at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the corporation, free from any charge. Meetings of the Council to be open. Minutes to be kept, and be open for inspection.

18. At the same time and times as are hereby appointed for the election of the Council, and in the same manner it shall be lawful for the members of the corporation to elect from their members, six persons, who shall form a board which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall bind themselves by bond or otherwise to submit the matter or matters in dispute between them to the decision of the said Board of Arbitration, such submission shall be understood to be made to any three members of the Board, who may, either by the special order of the board or by virtue of any general rule or rules adopted by them or under any by-law or by-laws of the corporation touching the consideration of cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to the said Board of Arbitration; and such decision shall be binding upon the said Board and the parties making the submission; and such submission may be according or to the effect of the form set forth in the schedule to this Act. Board of arbitration.

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the corporation, an oath that they will faithfully, impartially and diligently perform their duties as members of the said Board of Arbitration; and this oath shall be according or to the effect of the form set forth in the schedule to this Act, and shall be kept among the documents of the corporation. Form of submission.

20. Any member of the Council of the corporation may at the same time be a member of the said Board of Arbitration. Members of Council may be arbitrators.

Powers of
Arbitrators.

Award.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who appearing voluntarily before them shall be willing to be so examined, and shall give their award thereupon in writing; and their decision or that of any two of them given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

Board of
Examiners of
inspectors,
their powers
and duties.

22. From and after the passing of this Act it shall be lawful for the Council of the corporation to appoint five persons to constitute a Board of Examiners for the Village of Oshawa, for the year commencing on the first day of January then next, (who shall hold office for one year following), to examine applicants for the office of Inspector of flour and meal or of any other article subject to inspection; and the said Council may do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade by virtue of any Act respecting the inspection of flour and meal or of any other article subject to inspection; and the said examiners and Inspectors shall also be subject to all the conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts.

Affirmation
instead of
oath.

23. Any person who may, by law in other cases, make a solemn affirmation [instead of taking an oath, may make such solemn affirmation in any case when, by this Act, an oath is required; and any person hereby authorized to administer an oath may, in such cases as aforesaid, administer such solemn affirmation, and any person who shall wilfully swear or affirm falsely, in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful and corrupt perjury.

Saving of
rights of the
Crown.

24. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors or of any person whomsoever,—such rights only excepted as are herein expressly mentioned and affected.

SCHEDULE.

FORM OF SUBMISSION TO THE BOARD OF ARBITRATION.

Know all men that the undersigned and the
undersigned (if there be more parties, that is
more separate interests, mention them) having a difference as to
the respective rights of the said parties, in the case hereunto sub-
joined, have agreed and bound themselves under a penalty of
dollars to perform the award to be made by

the Board of Arbitration of the Oshawa Board of Trade, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof the said parties have hereunto set their hands and seals on the day of A. D. 18 .

A. B.	[L. S.]
C. D.	[L. S.]
E. F.	[L. S.]

FORM OF OATH TO BE TAKEN BY MEMBERS OF THE BOARD OF
ARBITRATION.

I swear that I will faithfully, impartially and diligently perform my duty as a member of the board of arbitration of the Oshawa Board of Trade, and that I will in all cases in which I shall act as arbitrator give a true and just award according to the best of my judgment and ability, without fear, favor or affection of or for any party or person whomsoever. So help me God.

CHAP. 69.

An Act respecting "The Central Prison for the Province of Ontario."

[Assented to 23rd May, 1873.]

WHEREAS the Legislature of the Province of Ontario has Preamble. passed an Act for the establishment, maintenance and management of a reformatory prison to be called "The Central Prison for the Province of Ontario; and it is expedient that provision should be made by the Parliament of Canada in respect thereof: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. After a proclamation has been issued by the Lieutenant Governor of the Province of Ontario declaring the prison buildings now being erected in the City of Toronto, and the lands to be used in connection therewith, to be "The Central Prison for the Province of Ontario," every court of criminal jurisdiction in the said Province, before whom any person shall be convicted of any offence punishable by imprisonment in the common gaol for a period of two months or for any longer time, may sentence such offender Sentencing of offenders to imprisonment in the Central Prison.

offender to imprisonment in the said Central Prison for such period of two months or for such longer time, instead of in the common gaol of the county where the offence was committed or was tried.

Transfer of prisoners from common gaols to the Central Prison.

2. After any proclamation shall have been issued as aforesaid all persons then or thereafter confined in any of the common gaols of the said Province under sentence of imprisonment for any offence may, by direction of the Provincial Secretary of Ontario, be transferred from such common gaols respectively to such Central Prison, there to be imprisoned for the unexpired portion of the term of imprisonment to which such persons were originally sentenced or committed to such common gaols respectively; and such persons shall thereupon be imprisoned in such Central Prison for the residue of the said respective terms unless they be in the meantime lawfully discharged or removed, and shall be subject to all rules and regulations of such Central Prison.

Warden to receive and detain offenders.

3. The Warden of the Central Prison shall receive into the said prison every offender legally certified to him as sentenced to imprisonment therein; and shall detain him subject to all the rules, regulations and discipline thereof, until the time to which he has been sentenced shall be completed or until he shall be otherwise discharged in due course of law.

Employment of convicts on works without the prison.

4. The Lieutenant Governor of Ontario, by Order in Council, may, from time to time, authorize, direct or sanction the employment upon any specific work or duty, without or beyond the walls or limits of such Central Prison, of any of the prisoners confined or sentenced to be imprisoned therein; and all such prisoners shall, during such last mentioned employment, be subject to all the rules, regulations and discipline of the said Central Prison so far as the same may be applicable, and to such other regulations for the purpose of preventing escapes and otherwise as may be approved by the said Lieutenant Governor in that behalf: Provided that when any such prisoner or prisoners shall be so employed without the walls or limits of such Central Prison, it shall only be done under the strictest care and supervision of officers appointed to that duty.

Removal of prisoners.

5. The said Lieutenant Governor may, from time to time, by warrant signed by the Provincial Secretary of Ontario, or by such other officer as may be authorized by the Lieutenant Governor in Council in that behalf, direct the removal of any offender from the Central Prison to the Provincial Reformatory or from the Central Prison back to the common gaol, or to any other gaol, or from the said Reformatory to the Central Prison.

Discharge of prisoners.

6. Whenever the time of any prisoner's sentence in the said Central Prison shall expire on a Sunday he shall be discharged on the previous Saturday, unless he desires to remain until the Monday following.

CHAP. 70

An Act to amend chapter fifty-eight of the Consolidated Statutes of the late Province of Canada.

[Assented to 23rd May, 1873.]

HER Majesty, by and with the advice and consent of the Senate Preamble.
and House of Commons of Canada, enacts as follows :—

1. Notwithstanding anything in chapter fifty-eight of the Consolidated Statutes of the late Province of Canada, intituled : *"An Act respecting Interest,"* any corporation constituted for religious, charitable or educational purposes in the Province of Ontario or Quebec, authorized by law to lend or borrow money may hereafter stipulate for, allow and exact on any contract or agreement whatsoever, any rate of interest or discount which may be agreed upon not exceeding eight per cent. per annum ; but, subject to the right to take such increased rate of interest, the said Act shall continue to apply to any such corporation

Certain corporations may take any rate of interest not exceeding eight per cent.

CHAP. 71.

An Act respecting Interest and Usury in the Province of Nova Scotia.

[Assented to 23rd May, 1873.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. In the Province of Nova Scotia in all cases where interest is or may be chargeable or recoverable by law or by any contract express or implied, and the rate of interest shall not have been agreed upon in writing as hereinafter provided, such rate shall be six per cent. per annum.

Interest, where no rate is fixed.

2. Any person may nevertheless stipulate and agree in writing for any rate of interest not exceeding seven per cent. per annum, for the loan or forbearance of money to be secured on real estate or chattels real : any person may also stipulate in writing for or may receive in advance any rate of interest not exceeding ten per cent. per annum, where the security for the payment of the money consists only of personal property or the personal responsibility of the party to whom forbearance is given or others.

When secured on land, &c.

When only on personalty or personal security.

3. In any action brought on any contract whatsoever, in which there is directly or indirectly taken or reserved a rate of interest exceeding

In action on contract, defendant may

have interest
reduced to
legal rate.

exceeding that authorized in the second section of this Act, the defendant may, the same being duly pleaded as in other cases, prove such excessive interest, and it shall be deducted from the amount due on such contract.

Exception as
to bottomry
bonds.

4. The foregoing provisions shall not extend to any hypothecation or agreement in writing entered into for money advanced upon the bottom of a ship or vessel, her cargo or freight.

Repeal.

5. Sections one, three and six, of chapter eighty-two of the Revised Statutes of Nova Scotia, second series, intituled "*Of interest*," continued in force in the Appendix to the Revised Statutes of Nova Scotia, third series, page 741, are hereby repealed, except as provided in the next following section, with respect to the cases therein mentioned.

Act not to
extend to
existing con-
tracts, &c.

6. Nothing in this Act shall extend to or be construed to extend to contracts or securities entered into before the passing of this Act, or to legalize any previous contract, security or loan, made, entered into, given or taken before the passing of this Act; but all such contracts, securities or loans shall be construed, considered and dealt with, as well in civil suits as in proceedings for penalties, as if this Act had not been passed; and for all such cases the said chapter eighty-two of the second series of the Revised Statutes of Nova Scotia, intituled "*Of interest*" shall be considered in force and unrepealed.

What law
shall apply
to them.

Act not to
extend to
banks.

7. Nothing in this Act shall extend or be construed to extend or apply to or affect any chartered bank.

CHAP. 72.

An Act to amend the Act respecting certain Savings Banks in the Provinces of Ontario and Quebec.

[Assented to 23rd May, 1878.]

Preamble.
34 V.c. 7.

IN amendment of the Act passed in the thirty-fourth year of Her Majesty's reign, and intituled: "*An Act respecting certain Savings Banks in the Provinces of Ontario and Quebec*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:--

Sections 6, 9,
87, 18 and 23
amended as to
investment of
stock and
deposits.

1. So much of the sixth ninth, seventeenth, eighteenth or twenty-third sections, or of any other part of the said Act, as requires that the capital stock or any part of the capital stock of a Savings Bank to which the Act applies, shall be or remain invested in Dominion stock or other Dominion securities, or securities of any of the Provinces of the Dom

as provides that beyond the amount of its subscribed capital stock a Savings Bank to which the Act applies shall make investment of moneys deposited therewith, except only in the entures or Dominion stock therein mentioned, or as empowers Receiver General to issue to any such bank, Dominion stock bearing interest at a rate greater by one per cent. per annum than that which at the time of such investment the bank is directed by Governor in Council to pay to depositors, is hereby repealed, except only as respects such last mentioned Dominion stock issued before the passing of this Act; and it shall be lawful for any such Savings Bank to invest or loan any amount whatever of the moneys deposited with it or of its capital stock, in any manner in which may under the provisions of the eighteenth section of the said Act, invest or loan any amount of the moneys deposited with it: provided always, that every such Savings Bank shall always provide at least twenty per cent. of the moneys deposited with it in Dominion securities or deposits in chartered banks, on call.

2. Monthly returns shall be made, by every bank to which the said Act applies, to the Government, and shall be made up within the first ten days of each month, and shall exhibit the condition of the Bank on the last juridical day of the month next preceding; and such monthly returns shall be signed by the President or Vice President, or the Director then acting as president and by the Manager, Cashier or other principal officer of the bank at its seat of business, and shall be published in the *Canada Gazette*; and such monthly returns shall be in the following form, and shall be instead of any periodical returns (if any) required by the charter of the Bank, except the certified lists of stockholders; and the first of such monthly returns under this Act shall be made within the first ten days of the month of July in the present year, 1873:—

Monthly returns by the Bank to the Government.

Form thereof.

RETURN of the amount of Liabilities and Assets of the (name of the Bank) on the day of A.D. 18 .

CAPITAL STOCK, \$. CAPITAL PAID UP, \$.

LIABILITIES.

	\$	cts.
1. Dominion Government deposits, payable on demand		
2. Provincial Government deposits, payable on demand		
3. Other deposits, payable on demand		
4. Dominion Government deposits, payable after notice or on a fixed day		
5. Provincial Government deposits, payable after notice or on a fixed day		
6. Other deposits, payable after notice or on a fixed day		
7. Special Poor Fund or Charity Fund Trust.....		
8. Liabilities not included under the foregoing heads		

ASSETS.

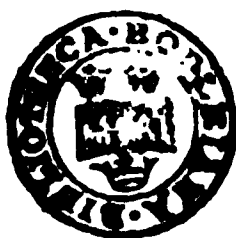
ASSETS.

§

1. Dominion securities
2. Provincial or municipal securities
3. Loans for which Dominion or Provincial securities are held as collateral security.....
4. Loans for which Bank stocks are held as collateral security.....
5. Loans for which other stocks, bonds or debentures, as authorized by law, are held as collateral security.....
6. Cash in hand or in deposit on call in chartered banks
7. Special Poor Fund or Charity Fund investments...
8. Investments in Bank stock made previous to the incorporation of the Bank.....
9. Other assets not included under the foregoing heads.....

We declare that the foregoing return is made up from books of the Bank, and that it is correct, to the best of knowledge and belief.

(Place) this



day of

18 .

A. B., *President, &c*
C. D., *Cashier, &c.*

Poor Fund at
Montreal.

3. The principal of the Poor Fund of the City and District Savings Bank of Montreal, under the third sub-section of section five of the said Act, which has been ascertained and settled at one hundred and eighty thousand dollars shall be invested and held by the said Bank in debentures of the City of Montreal,—with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise.

Charity Fund
at Quebec.

4. The principal of the Charity Fund of *La Caisse d'Economie de Notre Dame de Quebec*, under the said sub-section of section twenty-five of the said Act, which has been ascertained and settled at eighty-three thousand dollars, shall be invested and held by the said Bank in debentures of the City of Quebec,—with power to change the investment of the same or of any part thereof, from time to time, with the approval and permission of the Treasury Board, but not otherwise.

Sect. 37 re-
pealed.

5. Section thirty-seven of the said Act is hereby repealed.

CHAP. 73

An Act to incorporate the Stadacona Bank.

[Assented to 23rd May, 1873.]

WHEREAS the persons hereinafter named and others by their Preamble.
 petition have prayed that they may be incorporated for the
 purpose of establishing a bank in the City of Quebec; and it is
 expedient to grant the prayer of the said petition: Therefore Her
 Majesty, by and with the advice and consent of the Senate and
 House of Commons of Canada, enacts as follows:—

1. William Drum, Pierre Garneau, Thomas Hunter Grant Certain persons incor-
porated.
 Adolphe Caron, John L. Gibb, John Laird, Joseph W. Henry,
 Robert Germain, Adolphe Tourangeau, M.P., Samuel B. Foote
 and such others as shall become shareholders in the corporation
 hereby created and their respective executors, administrators and
 assigns, shall be and they are hereby constituted and declared to
 be a corporation, body corporate and politic, in fact, by and under
 the corporate name of the "Stadacona Bank;" and as such shall Corporate
name.
 have perpetual succession and a common seal,—with power to break,
 change and alter the same at pleasure; and also with all other
 powers incident to and necessary for the purposes hereinafter
 declared.

2. The capital stock of the said Bank shall be one million Capital Stock.
 dollars divided into ten thousand shares of one hundred dollars
 each; and its chief office shall be in the City of Quebec. Chief office.

3. The said persons above named shall be Provisional Directors Provisional
directors, and
subscription
of stock.
 for the purpose of organizing the said Bank; and they or a
 majority of them may cause stock books to be opened at such
 times and places as they or a majority of them shall think expedient,
 after first giving two weeks' notice thereof in one or more
 newspapers published in the City of Quebec,—upon which stock
 books shall be recorded the subscriptions of such persons as shall
 desire to become shareholders in the said Bank; and such books
 shall be kept open at the discretion of the said Provisional
 Directors or a majority of them, so long as they shall deem
 necessary.

4. Whenever five hundred thousand dollars of the capital stock First meeting
of Share
holders.
 of the said Bank shall have been subscribed, and one hundred
 thousand dollars thereof shall have been *bona fide* paid into some
 one of the present chartered banks of Canada, it shall be lawful
 for the said Provisional Directors or a majority of them, after
 giving three weeks' notice in one or more newspapers published in
 the said City of Quebec, in the English and French languages, to call
 a public meeting of the shareholders, to be held at such place in
 the said City of Quebec as shall be mentioned in such notice, for
 the purpose of electing Directors and for other purposes connected
 with

Election of directors.

Proviso.

with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank; and thereupon the duties of the Provisional Directors shall cease; and the Bank may thereupon issue its notes and carry on business: Provided that if less than two hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereof.

Directors.

34 V., c. 5.

5. The number of Directors of the said Bank shall be nine, subject to be increased or diminished from time to time by by-law, to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, chapter five, intituled "*An Act relating to Banks and Banking.*"

34 V., c. 5,
to apply.

Exception.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such provisions relate specially to banks in existence before the passing thereof or to banks *en commandite* or are inconsistent with this Act.

Bank must
obtain certifi-
cate from
Treasury
Board within
12 months.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Duration of
Act.

8. This Act shall remain in force until the first day of July, in the year of Our Lord, one thousand eight hundred and eighty-one.

CHAP. 74.

An Act to incorporate the Imperial Bank.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the persons hereinafter named, by their petition, have prayed that they may be incorporated for the purpose of establishing a bank in the City of Toronto; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. John Morrison, R. Carrie, R. S. Williams, Adam Oliver, L. P. P., W. T. Mason, A. M. Smith, John J. Vickers, Joseph Davidson, John Fisk, Patrick Hughes and W. J. Macdonell, and such others as may become shareholders in the corporation hereby created, and their respective executors, administrators and assigns shall be and they are hereby constituted and declared to be a corporation, body corporate and politic in fact, by and under the corporate name of the "Imperial Bank;" and as such shall have perpetual succession and a common seal, with power to break, change and alter the same at pleasure; and also with all other powers incident to and necessary for the purposes hereinafter mentioned.

Certain persons incorporated.

Corporate name and general powers.

2. The capital stock of the said Bank shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and its chief office shall be at the City of Toronto.

Capital stock and chief office.

3. For the purpose of organizing the said Bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned by name shall be Provisional Directors thereof; and they or a majority of them, may cause stock books to be opened after giving due notice thereof,—upon which stock books shall and may be received the signatures and subscriptions of such parties or persons as desire to become shareholders in the said Bank; and such books shall be opened at Toronto and elsewhere at the discretion of the Provisional Directors or such majority of them, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the capital stock shall have been subscribed upon the said stock books, and one hundred thousand dollars thereof actually paid into some one of the present chartered banks in Canada, a public meeting shall be called of the subscribers thereof, by notice published at least two weeks in two newspapers of the said City of Toronto,—such meeting to be held in Toronto aforesaid, at such time as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the stock books hereinbefore referred to, and shall continue in office until the first Wednesday in the month of July, which shall be in the year next after the year in which they were so elected, and until their successors in office shall be duly elected; and immediately upon such election being had, the functions of the said Provisional Directors shall cease.

Provisional directors

Stock books to be opened.

First meeting of shareholders.

Election of Directors.

Continuance in office.

4. The Act passed in the thirty-fourth year of Her Majesty's reign, chaptered five, intituled "*An Act relating to Banks and Banking*" and all the provisions thereof, shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting so far as such provisions relate only to banks already in existence or to banks *en com- mence*.

34 V., c. 5 to apply.

Exception:

Bank must obtain certificate from Treasury Board within 12 months.

5. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking*" passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Duration of Act.

6. This Act shall remain in force until the first day of July, in the year of our Lord One thousand eight hundred and eighty-one.

CHAP. 75.

An Act to incorporate the Victoria Bank of Canada.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the persons hereinafter named and others by their petition have prayed that they may be incorporated for the purpose of establishing a bank in the City of Montreal; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Horatio A. Nelson, Alexander Buntin, John C. Watson, William Clendinneng, John Elliott, James Donnelly, William H. Hingston, M.D., John Cassie Hatton and Thomas A. Evans, and such others as shall become shareholders in the corporation hereby created and their respective executors, administrators and assigns shall be and are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the name of the "Victoria Bank of Canada;" and as such shall have perpetual succession and a common seal,—with power to break, change and alter the same at pleasure; and also with all other powers incident to and necessary for the purposes hereinafter declared.

Corporate name and general powers

Capital and shares, &c.

2. The capital stock of the said Bank shall be one million dollars, with power to increase such capital stock to two million dollars,—such stock to be divided into shares of one hundred dollars each; which shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns; and the chief office of the Bank shall be in the City of Montreal.

Chief office.

Provisional Directors and their powers.

3. The said persons above named shall be Provisional Directors for the purpose of organizing the said Bank; and they or majority of them may cause stock books to be opened at

mes and places as they or a majority of them shall think expedient, and after giving two week's notice thereof in one or more newspapers published in the City of Montreal,—upon which Stock books. stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Bank; and such books shall be kept open at the discretion of the said Provisional Directors or a majority of them, so long as they shall deem necessary.

4. Whenever five hundred thousand dollars of the capital stock of the said Bank shall have been subscribed, and one hundred thousand dollars thereof shall have been *bona fide* paid into some of the present chartered banks of Canada, it shall be lawful for the said Provisional Directors or a majority of them, after giving three week's notice in one or more newspapers published in the said City of Montreal, to call a public meeting of the shareholders,—to be held at such place in the said City of Montreal, as shall be mentioned in such notice, for the purpose of electing Directors and for other purposes connected with the said Bank; and it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank, and thereupon the duties of the Provisional Directors shall cease; and the Bank may thereupon issue its notes and carry on business: Provided that if less than First general meeting of shareholders. Election of directors. Proviso. two hundred thousand dollars shall then have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereafter.

5. The number of Directors of the said Bank shall be seven, Number of directors. subject to be increased or diminished, from time to time, by by-law to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of 34 V.c. 5. Her Majesty's reign, intituled: "*An Act relating to Banks and Banking.*"

6. The said Act and all the provisions thereof shall apply to 34 V.c. 5, to apply. the Bank hereby incorporated in the same manner as if the same were expressly incorporated in this Act, except in so far as such Exception. provisions relate specially to banks in existence before the passing hereof or to banks *en commandite* or are inconsistent with this Act.

7. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited. Bank must obtain Treasury Board certificate within 12 months.

8. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty-one. Duration of Act.

CHAP. 76.

An Act to incorporate the Pictou Bank.

[Assented to 23rd May, 1873.]

Pream

WHEREAS John Crerar, John T. Ives, Wm. Gordon, A. J. Patterson, Robert Doull, Jeffrey McCole, Robert McNeil, John A. Dawson, Roderick McKenzie, J. R. Noonan and others have, by their petition, prayed that they might be incorporated for the purpose of establishing a bank in the Town of Pictou, in the Province of Nova Scotia; and whereas it is desirable to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. John Crerar, John T. Ives, Wm. Gordon, A. J. Patterson, Robert Doull, Jeffrey McCole, Robert McNeil, John A. Dawson, Roderick McKenzie, J. R. Noonan and such other persons as may become shareholders in the corporation to be by this Act created and their assigns shall be and they are hereby created, constituted and declared to be a corporation, body corporate and politic, by the name of "The Pictou Bank;" and the chief office of the Bank shall be in Pictou, in the Province of Nova Scotia.

Corporate name and chief office.

Capital stock

2. The capital stock of the said Bank shall be five hundred thousand dollars of lawful money of Canada, divided into five thousand shares of one hundred dollars each.

Stock books may be opened.

First meeting of shareholders.

Election of Directors.

Provide.

3. For the purpose of raising the amount of the said capital stock the persons above named may cause stock books to be opened at such times and places as they may deem expedient, and, after giving public notice thereof, may receive subscriptions for such stock; and as soon as the said stock shall be subscribed, and at least one hundred thousand dollars thereof paid in, a meeting of such subscribers shall in like manner be called at such place in the said Town of Pictou as may be deemed convenient, for the election of Directors and for the organization of the Bank; and such election shall be made then and there by a majority of shares voted upon, by ballot: Provided, that at least one hundred thousand dollars shall be paid up in addition within two years from the date when the Bank commenced business.

Bank to be subject to general regulations made by Parliament.

4. The Bank shall be subject to any general regulations respecting banking now in force or which may hereafter be made by the Parliament of Canada; and shall have such powers and privileges as may be conferred by such regulations.

Bank must obtain Treasury Board certificate within 12 months.

5. The said Bank shall obtain from the Treasury Board, within twelve months from and after the passing of this Act, the certificate required by section seven of the "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's said

chapter five, in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred, shall be forfeited.

6. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty-one. Duration of Act.

CHAP. 77.

An Act to incorporate “La Banque de St. Hyacinthe.”

[Assented to 23rd May, 1873.]

WHEREAS Pierre Bachand, Esq., M. P. P., Francois Xavier Cadieux, Esq., the Hon. M. Laframboise, the Hon. William Henry Chaffers, George Casimir Dessaulles, Esq., Louis Marchand, Esq., Joseph Barsalou, Esq., Romuald St. Jacques, Esq., Francois Cadoret, Esq., and Guillaume Cheval, Esq., by their petition, have prayed that they may be incorporated for the purpose of establishing a bank in the City of St. Hyacinth, Province of Quebec; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said Pierre Bachand, Francois Xavier Cadieux, the Hon. M. Laframboise, the Hon. William Henry Chaffers, George Casimir Dessaulles, Louis Marchand, Joseph Barsalou, Romuald St. Jacques, Francois Cadoret, Guillaume Cheval and Louis Delorme Esq., M.P., Rémy Raymond, Esq., Eucher B. Dufort, Esq., Victor Côté, Esq., Pierre Euclide Roy, Esq., Charles St. Jacques, Esq., and Jacques Franchère, Esq., and such others as shall become shareholders in the corporation hereby created and their respective executors, administrators and assigns shall be and they are hereby constituted and declared to be a corporation, body corporate and politic, in fact, by and under the corporate name of “La Banque de St. Hyacinthe;” and as such shall have perpetual succession and a common seal,—with power to break, change and alter the same at pleasure; and also with all other powers incident to and necessary for the purposes hereinafter declared. Certain persons incorporated.

Corporate name and general powers

2. The capital stock of the said Bank shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns; and its chief office shall be in the City of St. Hyacinth. Capital stock, and chief office.

3. The said persons above named in the first section of this Act shall be Provisional Directors for the purpose of organizing the said Bank; and they or a majority of them may elect a chairman and a vice-chairman, and cause stock books to be opened, at Provisional Directors.

each

Stock books.

such times and places as they or a majority of them shall think expedient, after first giving two weeks' notice thereof in one or more newspapers published in the City of St. Hyacinth; upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Bank; and such books shall be kept open at the discretion of the said Provisional Directors or a majority of them so long as they shall deem necessary, at St. Hyacinth or elsewhere.

First meeting of Shareholders.

4. Whenever the capital stock of the said Bank shall have been subscribed, and one hundred thousand dollars thereof shall have been *bonâ fide* paid into some one of the present chartered banks of Canada, it shall be lawful for the said Provisional Directors, or a majority of them, after giving three weeks' notice in one or more newspapers published in the said City of St. Hyacinth in the English and French languages, to call a public meeting of the shareholders,—to be held at such place in the said City of St. Hyacinth, as shall be mentioned in such notice, for the purpose of electing Directors, and for other purposes connected with the said Bank. And it shall be lawful at such meeting to elect the requisite number of Directors of the said Bank; and thereupon the duties of the Provisional Directors shall cease; and the Bank may thereupon issue its notes and carry on business: Provided that if less than two hundred thousand dollars shall have been paid in upon such stock in manner aforesaid, such further sum as shall be required to make up the sum of two hundred thousand dollars shall be called in and paid up within two years thereof.

Election of Directors.

Proviso.

Number of Directors.

5. The number of Directors of the said Bank shall be nine, subject to be diminished or increased from time to time by by-law, to be passed as provided in the twenty-eighth section of the Act of the Parliament of Canada, passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act relating to Banks and Banking.*"

34 V., c. 5 to apply. Exception.

6. The said Act and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if the same were expressly incorporated with this Act, except in so far as such provisions relate specially to banks in existence before the passing thereof or to banks *en commandite* or are inconsistent with this Act.

Bank must obtain Treasury Board Certificate within 12 months.

7. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking,*" passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted, and all and every the rights and privileges hereby conferred shall be forfeited.

Duration of Act.

8. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and eighty-one.

CHAP. 78.

Act to incorporate the Central Bank of Canada.

[Assented to 28rd May, 1873.]

WHEREAS the persons hereinafter mentioned and others have, Preamble.

by their petition, prayed that they might be incorporated for the purpose of establishing a bank in the City of Montreal, in the Province of Quebec; and whereas it is desirable to grant prayer of their petition: Therefore Her Majesty, by and with advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Alexander M. Foster, Honorable Charles Wilson, Thomas M. Incorporation.
 Lor, Benjamin Lyman, Samuel H. May, James Baylis, Edward
 Taylor and all such other persons as may become shareholders
 of the corporation to be by this Act created, and their assigns
 shall be and they are hereby created, constituted and declared to
 be a corporation, body corporate and politic, by the name of "The Corporate
name.
 Central Bank of Canada."

2. The capital stock of the said Bank shall be one million of Capital stock.
 dollars, divided into ten thousand shares of one hundred dollars
 each; which said shares shall be and are hereby vested in the
 several persons who shall subscribe for the same, their heirs, legal
 representatives and assigns.

3. For the organization of the said Bank and for the raising of Provisional
Directors and
their powers.
Stock books.
 the amount of the said capital stock, the persons hereinbefore
 mentioned shall be Provisional Directors thereof; and they or the
 majority of them, may cause stock books to be opened after
 public notice thereof has been given,—upon which stock books
 shall and may be received and inscribed the signatures and sub-
 scriptions of such parties or persons as desire to become share-
 holders in the said Bank; and such stock books aforesaid shall be
 opened at Montreal aforesaid and elsewhere, at the discretion of
 the Provisional Directors, and shall be kept and remain open so
 long as they shall deem necessary; and so soon as five hundred First meeting
of share-
holders.
 thousand dollars of the capital stock shall have been subscribed
 on the stock books aforesaid, and one hundred thousand dollars
 thereof actually paid into some one of the chartered banks doing
 business of banking in Canada, a public meeting shall be
 called of the subscribers thereof, by notice published in two
 newspapers of the said City of Montreal during at least two
 weeks,—such meeting to be held in Montreal aforesaid, at such
 time as such notice shall indicate and specify; and at such meet- Election of
directors.
 ing the subscribers shall proceed to elect seven directors, having the
 requisite stock qualification, who shall from thenceforward direct
 the affairs of the said corporation, shall assume the charge of
 the stock books hereinbefore referred to, and shall remain in office
 until the second Tuesday in June, which shall be in the year next
 after

Continuance
in office.

after the year in which they are so elected, and until such time as their successors in office shall be duly and regularly elected; and immediately upon such election being held the functions of the said Provisional Directors shall cease.

Chief place
of business.

4. The chief place or seat of business of the said corporation shall be in the City of Montreal, in the Province of Quebec.

General Act,
34 V.c. 5, to
apply.

4. The Act of the Parliament of Canada passed in the thirty-fourth year of the reign of Her present Majesty, intituled: "*An Act relating to Banks and Banking*" and all the provisions thereof shall apply to the Bank hereby incorporated in the same manner as if it were expressly incorporated with this Act, excepting in so far as such provisions may relate only to banking institutions already in existence, or to banks *en commandite*.

Bank must
obtain certifi-
cate from
Treasury
Board, within
12 months.

6. The said Bank shall obtain from the Treasury Board within twelve months from and after the passing of this Act, the certificate required by section seven of the said "*Act relating to Banks and Banking*," passed in the thirty-fourth year of Her Majesty's reign, chapter five; in default of which this Act shall become and be null and void and of no effect; and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Duration of
Act.

7. This Act shall remain in force until the first day of July in the year of Our Lord one thousand eight hundred and eighty-one.

CHAP. 79.

An Act to change the name of the "Superior Bank of Canada," to that of the "Federal Bank of Canada."

[Assented to 23rd May, 1878.]

Preamble.

35 V., c. 59.

WHEREAS the Superior Bank of Canada was duly incorporated by an Act passed in the thirty-fifth year of Her Majesty's reign, chaptered fifty-nine, intituled "*An Act to incorporate the Superior Bank of Canada*," and John Shedden and others, Provisional Directors thereof, have, by their petition, prayed that the name of the said Bank may be changed and the time limited by the seventh section of the said Act may be extended: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name of bank
changed.

1. The corporate name of the said Bank shall be changed from the "Superior Bank of Canada," to that of the "Federal Bank of Canada."

Time limited
by s. 7 of Act
of Incorpora-
tion extended.

2. The time limited by the seventh section of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act to incorporate the Superior Bank of Canada*," is hereby extended for the further period of twelve months.

CHAP. 80.

An Act to amend the general Acts respecting Railways.

[Assented to 23rd May, 1873.]

[N amendment of the general Acts respecting railways, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. Each and every railway company heretofore incorporated or which may hereafter be incorporated, and subject to the jurisdiction of the Parliament of Canada, as well as the Government of Canada with respect to all railways constructed by or being the property or under the control of the Dominion of Canada, shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered : Provided always, that any snow fences so erected shall be removed on or before the first day of April then next following.

Power to erect snow fences on adjoining lands.

Proviso.

2. For the purpose of connecting any town, village, manufactory or manufactories, mine or mines, in the Dominion of Canada, with any railway owned or worked by any railway company whose line of railway is subject to the legislation of the Parliament of Canada, and for the purpose of giving increased facilities to business, it shall be lawful for any such railway company to build, make and construct sidings or branch lines not to exceed in any one case six miles in length ; and for that purpose every such railway company shall have all the powers given them by "The Railway Act, 1868," with respect to their main lines ; and each and all the provisions of the said Act shall apply to every such siding or branch line and the construction thereof, as well as to the main line :

Power to construct branch lines in certain cases.

3. Provided always that no railway company shall proceed to locate or build any branch line under this Act, until public notice shall have been given for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of such company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose under the compulsory powers in "The Railway Act, 1868 ;" nor unless such company shall, prior to the first publication of such notice, have deposited in the registry office of the county within which the line is to be constructed, the map and plans indicating the location of the line ; nor until such company shall have submitted

Proceedings requisite before building branch lines.

the

the same to, and such plans shall have been approved by the Governor in Council at the expiration of the notice.

Time for construction of branch line to be limited.

4. The order of the Governor in Council approving the construction of any such branch line shall limit the time, not exceeding two years from the date of such order, within which such company may exercise the powers hereunder given in respect of such line.

CHAP. 81.

An Act to amend the Act, thirty-fourth Victoria, chapter forty-three, intituled "An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend 'The Railway Act, 1868.'"

[Assented to 23rd May, 1873.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate, and House of Commons of Canada, enacts as follows:—

Section 6, repealed.

1. The sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-three, is hereby repealed, and the following section is hereby substituted for it:

Section substituted.
Duty of station agent, &c., when a train is overdue.

"6. It shall be the duty of every railway company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue for half an hour at any such station according to the time table of such company, it shall be the duty of the Station Master or person in charge at such station to write or cause to be written with white chalk on such blackboard a notice in English and French, in the Province of Quebec, and in English in the other Provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the Station Master or person in charge at the station to write or cause to be written on the blackboard in like manner a fresh notice, stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station. And every such railway company, station master or person in charge at any such station, shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid; and any proceeding for the recovery of any such penalty

Penalty for contravention.

to be brought, in the Province of Quebec, before any two Justices of the Peace or before the Circuit Court of the district or of the county in which district or county such station is situate, and, in the other Provinces, before any two Justices of the Peace or the Magistrate or Police Magistrate for the city, town, district or county in which such station is situate :

Suits for penalty, how brought.

The penalty recoverable under the provisions of this section shall belong to the Crown ; and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after ; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such railway company by reason of the detention of trains as aforesaid ; and every such railway company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office.

Application of penalty and limitation of actions.

Proviso.

This section to be posted up at stations.

CHAP. 82.

An Act to empower the Montreal Northern Colonization Railway Company to extend its line from Deep River to a point of intersection with the proposed Canadian Pacific Railway ; and also to extend its line to Sault Ste. Marie, the Georgian Bay and Lake Superior, or to unite its line with any line of Railway extending to the points above mentioned.

[Assented to 23rd May, 1873.]

WHEREAS the Montreal Northern Colonization Railway Company have, by their petition, represented, that it is desirable that they should be permitted and authorized to continue their line of Railway to the terminus of the Canadian Pacific Railway ; and also to be authorized to extend their line of railway to Sault Ste. Marie, the Georgian Bay and the navigable waters of Lake Superior, and to unite or amalgamate with any line of railway extending to the aforesaid places ; and have prayed that an Act be passed extending their Act of Incorporation in these respects ; and whereas it is expedient that the prayer of the said petition be granted : **Therefore** Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. The Montreal Northern Colonization Railway is hereby declared to be a work for the general advantage of Canada.

Declaratory.

2. The Montreal Northern Colonization Railway Company shall be authorized to continue its line from any point on the north shore of the Ottawa River, in the County of Pontiac, across the said Ottawa River to a point of intersection with the proposed Canadian Pacific Railway.

Company authorized to extend their Railway to a point of intersection.

section with
the Canadian
Pacific Rail-
way, &c.

River, and for that purpose construct a railway bridge over the waters of the said Ottawa River, and thereafter to the eastern terminus of the Canadian Pacific Railway, or to a point on the line of the said Canadian Pacific Railway within sixty miles of its terminus, or to any line of railway to be built and connecting with the said Canadian Pacific Railway, and by which the Montreal Northern Colonization Railway Company might obtain access to the Canadian Pacific Railway.

May also ex-
tend their
railway to
Sault Ste.
Marie, &c.

3. The said Company is also authorized and empowered to continue its line of railway to Sault Ste. Marie, the Georgian Bay, north of French River and to the navigable waters of Lake Superior; and to unite or amalgamate with any line of railway to be built and running to the aforesaid points; and also to construct and operate a telegraph line along the whole of its line of railway.

Company may
bridge the
Rivière des
Prairies.

4. The Montreal Northern Colonization Railway Company is hereby authorized to build a bridge across the branch of the Ottawa River known as the Rivière des Prairies, at any point between the head of the rapids known as the *Rapides du Gros Sault* or *du Moulin du Crochet*, and the bridge known as the Lachapelle Bridge at l'Abord-à-Plouf,—the spans of the said bridge to be similar to those that the said Company has been heretofore authorized to build; but the spans over the main channel shall not be less than two hundred feet. The Company shall erect suitable guide-booms and piers above such bridge, if required by the Governor in Council; and plans of the said bridge, guide-booms, piers and the location thereof shall be submitted for the approval of the Governor in Council.

As regards
extensions,
Company to
be deemed
incorporated
by Act of
Parliament
of Canada.

5. The continuations of the said railway and the bridges in the line thereof and other works authorized by this Act are and shall be held and deemed to be railways or a railway to be constructed under the authority of a special Act passed by the Parliament of Canada; and the Montreal Northern Colonization Railway Company shall be held and deemed to be a Company incorporated for the construction and working of such railways or railway according to the true intent and meaning of "*The Railway Act, 1868*."

Railway Act,
1868, to apply
to line of
Company.

6. From and after the passing of this Act, parts first and second of "*The Railway Act, 1868*" shall apply to the whole line and extended line of the Montreal Northern Colonization Railway from Mile End to Deep River, and to all the branches, continuations and extensions thereof, and to the Montreal Northern Colonization Railway Company as incorporated for the construction and working thereof, as fully and effectually to all intents and purposes as the same apply to the railways or railway authorized by this Act or to any other railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada, and to any Company incorporated by any such Act for the construction and working of any such railway; and no part or portion of the "*Quebec Railway Act, 1869*," shall apply to the said Railway or any thereof or to the said Company.

Quebec Rail-
way Act,
1869, not to
apply.

7. From and after the passing of this, the Act passed by the Legislature of the Province of Quebec, in the thirty-second year of Her Majesty's reign, intituled "*An Act to incorporate the Montreal Northern Colonization Railway Company*," and the Act passed by the same Legislature in the thirty-fourth year of Her Majesty's reign, intituled "*An Act to grant additional powers to Montreal Northern Colonization Railway Company and for other purposes*," shall be read and construed and have effect as if the words "Governor General in Council," were substituted for the words "Lieutenant Governor in Council," the words "Secretary of State of Canada," for the words "Provincial Secretary," the words "Minister of Public Works," for the words "Commissioner of Public Works of the Province of Quebec," the words "*Canada Gazette*," for the words "*Official Gazette*" or "*Quebec Official Gazette*," the words and figures "*The Railway Act, 1868*," for the words and figures "*The Quebec Railway Act, 1869*," and the words and figures "*The Canada Joint Stock Companies Clauses Act, 1869*," for words describing the Act of the Legislature of the Province of Quebec, thirty-one Victoria, chapter twenty-four, "*The Joint Stock Companies' General Clauses Act*," whenever the same respectively, occur in either of the said Acts; and the said Acts so read and construed and taking effect, shall be held and deemed to be special Acts according to the true intent and meaning of "*The Railway Act, 1868*;" and part first of the said last mentioned Act shall, so far as applicable to the undertaking and except as expressly varied or excepted by the said special Acts or either of them, be incorporated with the said special Acts, form part thereof and be construed therewith as forming one Act; and so part of "*The Quebec Railway Act, 1869*," shall be incorporated with the said special Acts or either of them or form part thereof and be construed therewith as forming one Act.

How Acts of
Quebec Legis-
lature 32 V.,
c. 55; and
34 V., c. 23,
are to be
construed.

CHAP. 83.

An Act to enable the Great Western Railway Company to further extend and improve its connections.

[Assented to 23rd May, 1873.]

WHEREAS the Great Western Railway Company, hereinafter styled the Company, have petitioned that they should be enabled to aid in the construction of certain works which will tend to improve their connections, and for further extension of their powers; and whereas it is expedient to grant them the powers which they have asked by their petition: Therefore Her Majesty, and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

Company
may loan
its credit,
subject to
certain
restrictions.

1. Subject to the priority of the loan capital, as settled and secured by the sixth section of "*The Great Western Railway Company's Financial Act, 1871*," and the amount of term bonds or perpetual debenture stock now issued, or which may be issued on the basis of capital to be raised by the said Company may agree for the loan of its credit by guarantee or traffic contract or otherwise, to and with the Canada and Detroit River Bridge Company, and to and with the Queenston Suspension Bridge Company and the Lewiston Suspension Bridge Company, or the corporation which may be created by the amalgamation of either of such companies with any other bridge companies, and to and with any other company or companies having a bridge or bridges or having power to construct a bridge or bridges over the Niagara river or the Detroit river; or may agree as and for the purposes aforesaid to and with any other railroad or railway company with which by the Acts of incorporation of the Company, or by the Acts relating to the Company, it has power and authority to unite, or on behalf of which power and authority has been conferred to raise funds by way of loan or otherwise; and may enter into arrangements and agreements with any such railway, railway bridge company for the working, leasing or using the railway, road or bridge thereof, or part thereof, for and during such term of years as may be agreed upon between them: Provided that no discrimination in tariff or precedence of traffic over any railway bridge shall be made in favor of or against any railway or railroad.

May take
stock in other
companies.

2. The Company may take, hold and become the owner of stock or shares, or avail itself of any of the rights or powers or reserved to the Company or to any railway or railroad company in the Canada and Detroit River Bridge Company, the Queenston Suspension Bridge Company, or any Company having a bridge or power to construct a bridge over any of the rivers aforesaid in the Great Western and Lake Ontario Shore Junction Railway Company, or in any company with which the Company has power to unite by any Acts relating to the Company, or by any Act of the late Province of Canada, or of the present session of the Parliament of Canada.

Agreements
with other
railway com-
panies.

3. The Company shall have power to guarantee for the loan of its credit to or become guarantors for, or may subscribe or become the owners of stock in any railway company with which their line may be in connection, or any railway company over the line of which they may now have or hereafter may make arrangements or agreements for running or working or the conveyance of traffic.

Arrangements
for use of line
and rolling
stock with
other rail-
ways,

4. The Company may enter into traffic arrangements or agreements with the Wellington, Grey and Bruce Railway Company, the London, Huron and Bruce Railway Company, and the Erie and Huron Railway Company, for the hiring, leasing, working or using the lines of railway of such railways.

any or companies, or any parts thereof, at any time or times, or for any period; or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such company touching the use by one or the other, or by both companies, of the railway moveable property of either or both, or any part thereof, or touching any services to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof.

5. Whereas the Company have entered into agreements for running powers and otherwise for the working of railways subsidiary to the railway of the Company and in connection therewith, or in the branches thereof, or with other lines of railway worked by the Company, and it is necessary that the Company should acquire and possess lands at convenient places along the line of such railways for the more convenient working thereof, and for the convenience of its traffic and the maintaining of the railway; therefore it shall be lawful for the Company to purchase, take and hold, at convenient places along the line of their road and its branches, and along the line of any railway worked by the Company, such land and lots of land, or parcels thereof, as the Directors shall think advisable or necessary for the use and convenience of the same and the traffic thereof, and for providing facilities therefor, and for the construction of double tracks, and for supplying ballast and repairing the said railway of the Company and its branches, and other railways worked by the Company in sufficient repair, and also the right of way to the same; and again to sell and dispose of such lands or any part thereof.

Company may purchase land for certain purposes.

6. Whereas the share and stock capital of the Great Western Railway Company is twenty-eight million eight hundred thousand dollars,—five millions nine hundred and twenty thousand eight hundred and seventy-nine dollars whereof are yet un-issued; and the said Company have power to borrow upon their terminable bonds a sum equal to one-half the said capital, or fourteen million four hundred thousand dollars, and have already exercised such power to the extent of ten million five hundred and twenty-seven thousand five hundred and seventy-three dollars and thirty-two cents, leaving a sum of three million eight hundred and seventy-six thousand four hundred and twenty-six dollars and sixty-eight cents which may be raised under such powers; and whereas, under section six of "*The Great Western Railway Company's Financial Act, 1871*," the Company is declared to have further power of borrowing upon perpetual debenture stock a sum of three million four hundred and eighty-two thousand four hundred and seventy-four dollars and seventy-one cents, which they have already issued two hundred and twenty-seven thousand two hundred and seventy-three dollars and thirty-four cents,—leaving three million two hundred and fifty-four thousand four hundred and one dollars and thirty-seven cents which may be raised thereon; and whereas the said terminable bonds and

Recital.

Company may borrow a certain sum of money, and in what manner.

Limitation of amount.

and perpetual debenture stock have a co-ordinate lien upon the railway tolls, lands and property of the Company ; And whereas the sums remaining unborrowed upon the said two classes of security amount to seven million one hundred and twenty-seven thousand three hundred and twenty-eight dollars and five cents, and it may be expedient to raise the whole of such money, or so much thereof as may from time to time be required, by the issue of one of such two classes of security only, or partly by and upon one and partly by and upon the other, irrespective of the limitation aforesaid as to each class ; therefore, it shall be lawful if the Directors of the Company think it advisable, and they are hereby empowered to raise and borrow the whole of the said sum of seven million one hundred and twenty-seven thousand, three hundred and twenty-eight dollars and five cents, or so much thereof as from time to time may be deemed necessary, by the issue of perpetual debenture stock, to be treated and considered as part of the regular debenture debts of the Company, or by the issue of terminable bonds, or partly by the issue of one class and partly by the issue of the other ; and also to raise the further sum of two million nine hundred and sixty thousand, four hundred and thirty-nine dollars and fifty cents, being equal to one half of the amount of the said un-issued share and stock capital by the creation and issue of the like perpetual debenture stock, irrespective of and notwithstanding any limitation in regard to the amount of such securities respectively contained in the Act passed in the twenty-second year of Her Majesty's reign, chapter one hundred and sixteen, or in "*The Great Western Railway Company's Financial Act, 1871*," or in any other Act,—so, however, that the loan capital raised or borrowed under one class or the other, as hereby provided, shall not, in the whole, exceed the sum of ten million and eighty-seven thousand, seven hundred and sixty-seven dollars and fifty-five cents, and the perpetual debenture stock and terminable bonds so issued shall respectively stand upon the same footing and be in every respect in the same position as the perpetual debenture bonds and terminable bonds respectively in the sixth and seventh sections of "*The Great Western Railway Company's Financial Act, 1871*," mentioned, and although the amount of either class shall be in excess of the limit therein mentioned in regard thereto.

Consent of shareholders to be obtained.

7. No liability or expenditure shall be incurred or powers exercised under this Act unless the consent of two-thirds of the shareholders present in person or by proxy shall have been obtained at any half-yearly general meeting in terms of the seventh section of "*The Great Western Railway Act, 1870*," or at a special general meeting, if deemed expedient to be called for the purpose.

Short title.

8. This Act may be cited as "*The Great Western Railway Act, 1873*."

CHAP. 84.

An Act to enable the Buffalo and Lake Huron Railway Company to make arrangements respecting their Bond Debt.

[Assented to 23rd May, 1873.]

PREAMBLE
 WHEREAS by an indenture, dated the twenty-fifth day of August, one thousand eight hundred and fifty-two, and made between the Brantford and Buffalo Joint Stock Railroad Company, of the first part, and Arunah Huntington, David Christie, and Dean Richmond, of the second part, the said Company mortgaged its railroad, then in course of construction from Fort Erie Ferry to Paris, in the present Province of Ontario, to the parties thereto of the second part, for the purpose of securing an issue of bonds to the amount of one hundred and twenty-five thousand pounds sterling, the principal thereof to be payable in London, England, on the first day of August, one thousand eight hundred and seventy-two, with interest in the meantime at the rate of six pounds per cent. per annum; And whereas the said company was afterwards empowered to extend its said railroad to Goderich, also in the present Province of Ontario, and its name was changed to the Buffalo, Brantford, and Goderich Railroad Company; And whereas by an indenture dated the first day of July, one thousand eight hundred and fifty-three, and made between the Buffalo, Brantford, and Goderich Railroad Company, of the first part, and Arunah Huntington, David Christie, and Aaron D. Patchin, of the second part, the said Company mortgaged the section of its railroad, then in course of construction from Paris to Goderich, to the parties thereto of the second part, for the purpose of securing an issue of bonds to the amount of one hundred and eighty thousand pounds sterling, the principal thereof to be payable in London, England, on the first day of July, one thousand eight hundred and seventy-three, with interest in the meantime at the rate of six pounds per cent. per annum; And whereas the bonds issued on the security of the said respective indentures are hereinafter referred to as the first and second section first mortgage bonds respectively; And whereas, by an indenture dated the first day of June, one thousand eight hundred and fifty-four, and made between the said Company, of the one part, and James Kerby, David Christie, and Myron P. Bush, of the other part, the said Company mortgaged its entire railroad from Fort Erie to Goderich to the parties thereto of the latter part, for the purpose of securing an issue of bonds to the amount of three hundred thousand pounds sterling, the principal thereof to be payable in London, England, on the first day of June, one thousand eight hundred and seventy-four, with interest in the meantime at the rate of six pounds per cent. per annum; And whereas in the year one thousand eight hundred and fifty-six, the said company, with the authority of the legislature of the then Province of Canada, sold its railroad to the Buffalo and Lake Huron Railway Company, in consideration

consideration of certain annual payments or rental, partly immediate and partly deferred,—the immediate rental being fixed at an amount not more than sufficient to meet the interest of the several classes of bonds hereinbefore mentioned; And whereas, by an indenture dated the eighth day of August, one thousand eight hundred and fifty-six, and made between the Buffalo, Brantford and Goderich Railway Company of the one part, and George Brown, William Smith and Hugh Finleyson, of the other part, the said Company mortgaged the said deferred rental to the parties thereto of the latter part, for the purpose of securing an issue of bonds to the amount of one hundred and sixty-six thousand six hundred and sixty-six pounds thirteen shillings and four pence sterling, the principal thereof to be payable in London, England, on the first day of July, one thousand eight hundred and eighty-six, with interest in the meantime at the rate of six pounds per cent. per annum, which interest the amount of the deferred rental would not be more than sufficient to meet; And whereas, by or in pursuance of other arrangements made between the said two companies, in the year one thousand eight hundred and fifty-six, the Buffalo and Lake Huron Railway Company adopted the bonds of all the classes hereinbefore mentioned, and re-purchased the said deferred rental, subject to the security of the bonds secured thereon as aforesaid; And whereas, in the year one thousand eight hundred and sixty-five, the Buffalo and Lake Huron Railway Company issued certain capitalized coupon bonds to the amount of sixty-one thousand and seventy pounds sixteen shillings and eight pence sterling; And whereas a working agreement which had been made in the year one thousand eight hundred and sixty-four, between the said Company and the Grand Trunk Railway Company of Canada, was confirmed in the year one thousand eight hundred and sixty-six by an Act of the legislature of the then Province of Canada; And whereas, by an Act of the Parliament of the Dominion of Canada, passed in the year one thousand eight hundred and seventy, another agreement between the two last mentioned companies, dated the second day of February, one thousand eight hundred and seventy, was made valid and binding in favor of and upon both the said companies, and all mortgagees, debenture holders and creditors of each of them; and by the said agreement so confirmed, the said agreement of one thousand eight hundred and sixty-four was cancelled, and the railway of the Buffalo and Lake Huron Railway Company was vested in the Grand Trunk Railway Company of Canada, in consideration of certain payments to be made periodically by the latter company to the former, and subject, first, to all obligations imposed on the former company by its several Acts with respect to the maintenance, management, and working of the vested property; secondly, to all then existing mortgages and incumbrances on the same property; thirdly, to all mortgages and incumbrances to be created under a power thereby given to the former company to issue, for the purposes and within the limits therein mentioned, mortgage bonds, debentures or debenture stock, extending over the undertaking of the former company vested in the latter; and fourthly, to an annual rent-charge, on the vested property and on the tolls or rates arising therefrom, of the sum of forty-two thousand

one hundred pounds, payable by the latter company to the former not to extend to any further portion of the said periodical payments; and it was provided that the mortgages and incumbrances on the whole or any part of the undertaking of the former company then existing or thereafter to be created under the afore-said power should, according to the respective rights and priorities of the holders, be the first charges on the sums from time to time payable to the same company under the now reciting agreement, and that so long as those sums were duly paid to that company according to the terms of that agreement, but no longer, none of the holders of such mortgages or incumbrances should exercise any of their powers or rights against the undertaking or property of that company, but only against the said sums; And whereas, by the last recited agreement, confirmed as aforesaid, it was further provided that a certain trust deed, dated the tenth day of January, one thousand eight hundred and sixty-five, and entered into for securing the said capitalised coupon bonds, should, as to any future operation thereof, be wholly void and of no effect, and that from the first day of January, one thousand eight hundred and seventy, the interest then payable by the Buffalo and Lake Huron Railway Company upon all its mortgages and bonds then outstanding (among which the bonds adopted by the said Company, as hereinbefore recited, were intended and understood to be included) should be reduced from the rates of interest then payable thereon to the uniform rate of five pounds ten shillings per cent. per annum, provided that the same were duly paid half-yearly or within three calendar months from the day on which such interest should fall due, and that all arrears of interest due to mortgage bondholders and debenture holders of the same company to the thirty-first day of December one thousand eight hundred and sixty-nine, including the arrears capitalized by the said trust deed of the tenth day of January, one thousand eight hundred and sixty-five, should, by the said company, be partly paid as therein mentioned, and the residue funded in five and a half per cent. bonds; And whereas, for carrying such funding into effect and for other purposes, the Buffalo and Lake Huron Railway Company, since the date of the last recited agreement, has issued bonds to a considerable amount, carrying interest at the rate of five pounds ten shillings per cent. per annum, but none of such bonds are secured by the undertaking of that Company vested as aforesaid in the Grand Trunk Railway Company of Canada, or on any part thereof, notwithstanding the power in that behalf reserved to the former company by the said agreement; And whereas, on the first day of August, one thousand eight hundred and seventy-two, the Buffalo and Lake Huron Railway Company made default in the payment of the principal of the first section first mortgage bonds, and thereupon a meeting of the holders of the several classes of bonds of or adopted by the said Company was held in London, England, and at such meeting a committee was appointed, upon receiving the report of which a second meeting of the said bondholders, held in London aforesaid on the twentieth day of September, one thousand eight hundred and seventy-two, passed a resolution requesting the Directors of the said Company to apply for an Act for the conversion of the said

said

said bonds into permanent charges as hereinafter enacted; And whereas, by a further resolution, passed at the last mentioned meeting, with the view of facilitating the contemplated arrangement, the holders of the first and second section first mortgage bonds were recommended to extend the period for the payment of their principal for two years and one year respectively, and were requested forthwith to lodge their bonds at the said Company's office to be endorsed accordingly at five and a half per cent., which many of them have since done, and their bonds have been so endorsed; And whereas the total bonded indebtedness of the said company for principal does not now exceed the sum of seven hundred and sixty-three thousand seven hundred and fifty-eight pounds sterling: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain mortgages, bonds and debentures to be void.

1. Except for the purpose of securing such interest as may accrue and become due on or before the first day of September, one thousand eight hundred and seventy three, all the said mortgages and other bonds and debentures issued or adopted by the Buffalo and Lake Huron Railway Company, and all coupons belonging thereto, and all mortgage or trust deeds for securing any of the same, shall, from and after the passing of this Act, be absolutely void and of no effect.

What shall be substituted therefor.

2. In lieu thereof there are hereby created first and second mortgage bond debts of the Buffalo and Lake Huron Railway Company; the former not to exceed a total of three hundred and five thousand pounds sterling, being the aggregate principal amount of the outstanding first and second section first mortgage bonds, and bearing interest at the rate of six pounds per cent. per annum from the first day of September, one thousand eight hundred and seventy-three, payable half-yearly on the first days of March and September, or within twenty-one days from such dates respectively, in London, England; and the latter equal to the aggregate principal amount of all the other outstanding mortgage or other bonds or debentures issued or adopted by the said Company, and bearing interest at the rate of five pounds ten shillings per cent. per annum from the same date, and payable half-yearly, on the same days and at the same place; and the holders of the first and second section first mortgage bonds shall be entitled to, and shall be deemed to hold portions of the said first mortgage bond; debt and the holders of the said other mortgage or other bonds or debentures shall be entitled to, and shall be deemed to hold portions of the said second mortgage bond debt, equal to the principal amounts of their respective bonds or debentures: Provided that the aggregate amount of the said first and second mortgage bond debts shall not exceed seven hundred and sixty-three thousand, seven hundred and fifty-eight pounds sterling.

Mortgage bond debt charged on the Company.

3. The said first mortgage bond debt and the interest thereon are hereby charged on all the railway, undertaking and property of the Buffalo and Lake Huron Railway Company, vested

and Trunk Railway Company of Canada, subject only to the obligations imposed on the former Company by its several Acts, with respect to the maintenance, management and working of the said property, and on the said rent charge of forty-two thousand five hundred pounds, and all other sums payable by the latter company to the former; and the said second mortgage bond debt and the interest thereof are hereby charged on the said railway undertaking, property, rent charge and other sums next after the charge of the said first mortgage bond debt.

4. Every holder of any amount of either of the said mortgage bond debts shall have all such remedies at law and in equity as though the Buffalo and Lake Huron Railway Company had conveyed or assigned to him the said railway, undertaking, property, rent charge and other sums by way of mortgage, to secure his portion of such debt and the interest thereof, subject and in the order of priority mentioned in the preceding section, and with all the other incidents herein expressed in relation thereto, and as though such mortgage deed were duly registered in every county in which any portion of the said railway or property is situate; and that any judgment, decree, appointment of receiver or other relief which shall be given at the suit of any person upon either of the charges hereby created, or as though upon such a mortgage as mentioned in this section, shall be expressed to be, and shall in fact be, for the equal benefit of all other holders of any portion of the same mortgage bond debt who shall be in the same position with the plaintiff,--they contributing proportionately to the cost of suit.

Holders of such debt to have remedy at law and in equity.

Judgement, &c., to be for benefit of all joint holders of mortgage debt.

5. The said Company shall, at its office in London, deliver, free of expense, to the persons hereby declared to be entitled to the respective portions of the said respective mortgage bond debts, bonds in or as near as may be to the effect of the forms set forth in the schedule hereto, with interest coupons for twenty years attached,—each such bond representing one hundred pounds sterling of the respective mortgage bond debt; the portions of which debts so represented shall pass by the delivery of the bonds; and the interest thereon shall be paid against surrender of the coupons in the usual manner; and when the coupons attached to the bonds shall be exhausted the bearers of the bonds shall be entitled to demand and shall accept from the said Company, free of expense, new interest coupons for twenty other years, and so perpetually or until redemption as hereinafter mentioned.

Delivery of bonds to persons entitled.

Issue of additional coupons

6. It shall be lawful for the said Company, on any first day of March or first day of September, to redeem at par all or any part of the said first mortgage bond debt, on giving not less than six calendar months' previous notice by advertisement, inserted twice in each of two daily newspapers published in London, England, and if all the said debt then outstanding is not to be redeemed, stating the distinguishing numbers of the bonds to be redeemed,—which bonds to be determined by lot; and the interest on any bond which shall not be tendered for redemption pursuant to such

such notice shall cease from the expiration of the notice, and all further coupons from that date attached to such bond shall be void and of no effect.

Re-issue of
first mortgage
bonds.

And of second
mortgage
bonds.

7. It shall be lawful for the said Company, for the purpose of such redemption as aforesaid, to re-issue at par all or any part of the amount of first mortgage debt so redeemed, but so that the re-issued bonds, while similar in every other respect and incident to the original bonds, and ranking *pari passu* with those outstanding, if any, shall carry interest at a less rate than six pounds per cent. per annum; and also for the same purpose to create and issue at par any further amount of second mortgage bond debt, similar in every respect and incident to and ranking *pari passu* with the second mortgage bond debt hereby created but save as in this section expressed, the said Company shall have no power to issue any first or second mortgage bond debt in excess of the respective amounts authorized by section two of this Act, nor any mortgage bonds, debentures or debenture stock, except subject to the said first and second mortgage bond debts.

Recourse of
bondholders
under certain
circumstances.

8. So long as the sums payable to the Buffalo and Lake Huron Railway Company by the Grand Trunk Railway Company of Canada, under the said agreement of the second day of February, one thousand eight hundred and seventy, confirmed as aforesaid, are duly paid to the former Company by the latter, but no longer, the holders of any portion of the said first and second mortgage bond debts respectively shall not exercise any of their powers or rights against the railway, undertaking or property of the former Company vested in the latter, but shall exercise them only against the said sums.

Act not to
affect 34 V.,
c. 49.

9. Nothing in this Act shall in any way affect the terms of the agreement between the Grand Trunk Railway Company of Canada and the Buffalo and Lake Huron Railway Company, dated the second day of February, 1870, and confirmed by the Act passed in the thirty-third year of Her Majesty's reign, chapter forty-nine, nor in any way alter the mortgage rights of the Buffalo and Lake Huron mortgages, as set forth in the fifteenth clause of the said agreement.

Short title.

10. This Act may be cited as "The Buffalo and Lake Huron Railway Act, 1873."

SCHEDULE.

FORM OF FIRST MORTGAGE BOND.

BUFFALO AND LAKE HURON RAILWAY COMPANY.

No. First Mortgage Bonds, 1873, £100.

The Buffalo and Lake Huron Railway Company hereby acknowledges that the bearer of this Bond is entitled to one hundred pounds sterling, part of the First Mortgage Bond Debt, created by

Buffalo and Lake Huron Railway Act, one thousand eight hundred and seventy-three, and secured upon the undertaking of the company as therein mentioned (all the Bonds composing such debt ranking *pari passu*); and the said Company hereby covenants with the bearer to pay interest on the said sum, at the rate of six pounds per cent. per annum, half-yearly, on the first days of March and September, or within twenty-one days from such date, respectively on presentation at the office of the Company, or if there be no office in London, then at the London and County Bank, London, the coupons hereto annexed; and on the exhaustion of the said coupons to issue to the bearer, free of expense, new interest coupons twenty years further, and so on from time to time.

This bond is subject to redemption on six months' notice, to be given by advertisement inserted twice in each of two daily newspapers published in London, and the interest will cease on the expiration of such notice if the bond be not tendered for redemption according to it.

Given at the Company's office in London, England, this
day of _____ 1873.

_____ } Directors. [L.S.]

_____ Secretary.

FORM OF COUPON.

BUFFALO AND LAKE HURON RAILWAY COMPANY.

First Mortgage Bond No.

Interest Coupon, £

payable at the Office of the Company, or if there be no Office in London, then at the London and County Bank, London. { 1st March
1st September
or within
twenty-one days
from such dates,
respectively. } 18
9008] c

FORM OF SECOND MORTGAGE BOND.

BUFFALO AND LAKE HURON RAILWAY COMPANY.

No. Second Mortgage Bonds, 1873, £100.

The Buffalo and Lake Huron Railway Company hereby acknowledges that the bearer of this bond is entitled to one hundred pounds sterling, part of the Second Mortgage Bond Debt, created by the Buffalo and Lake Huron Railway Act, one thousand eight hundred

granting to said Company power to issue an increased number of bonds, not to exceed in all twenty-five thousand dollars of their railway, and to pledge and mortgage any lands owned by said Company from the Province of Quebec, as a subsidy or money subsidy, in aid of said Company, as collateral security for their bonds; and further, granting to said Company such amendments as may be necessary to enable them to carry out effectively the objects secured to them in their charter; and it is expedient to grant said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

That the St. Francis and Megantic International Railway Company do have power, and are hereby empowered to construct a railway to connect the railroad, the said Company are now building to build and which is now in course of construction, between Boston, Concord and Montreal Railroad or any extension thereof or with any other railway extending from some point in the United States northward and touching the boundary line of either the State of New Hampshire or the State of Vermont, at a point within ten miles of the Stream, and to make such connection, either at the point in the United States or in Canada, or to connect with any railway within the Province of Quebec, being an extension of or connected with such railway; and the powers, privileges and immunities granted to the St. Francis and Megantic International Railway Company in relation to the construction of their main line of railway shall be extended to and have the effect as respects the branch or branches, and the said Company are hereby authorized to build; and said St. Francis and Megantic International Railway Company shall have power to make any contract or agreement with any such railway company, or with any railway company chartered or incorporated, as may be found necessary to carry out the objects of this Act, and enable them to obtain the advantage of the use of such passengers and goods over the road or roads with which such railway or any branch of their railway may connect; and to make all terms, mode and conditions of all business arrangements between said Company and the company or companies owning or operating such other road or roads; and said St. Francis and Megantic International Railway Company shall have power, if found advisable, to lease their main line, or any branch of their road to any company such as is before mentioned, for any term of years or for ever, to be agreed upon, for such consideration as may be fixed by the contracting parties,—to be used and kept in operation according to the provisions of their charter, and subject to the laws of Canada in force in the interest of the public affecting said railway: and no agreement whereby the whole, or any part of their road is leased to any other company, shall have effect until it is approved by a majority of the shareholders of said Company present at their annual meeting, or at a meeting called for the purpose of considering the same.

Power to the Company to connect with other Railways by branches.

Present powers, &c., to apply to such branches.

Company may make agreements with other companies.

Company may lease their road.

Proviso.

That the St. Francis and Megantic International Railway Company, under the provisions of the thirteenth section of "The St.

Power to the Company to issue bonds.

33 V., c. 54.

Proviso.

St. Francis and Megantic Railway Act," and in the manner and for the purposes therein and herein mentioned, may issue their bonds for any amount required for the purpose of prosecuting their works permitted by their charter or any amendment thereof, provided the whole sum represented by such bonds shall not exceed twenty-five thousand dollars per mile of their railway, including any branch or branches thereof.

Certain contracts heretofore made ratified.

Provisions as to future contracts.

3. Any contracts may be made between the Connecticut and Passumpsic Rivers Railroad Company or the Massawippi Valley Railway Company and the Saint Francis and Megantic International Railway Company and the Grand Trunk Railway Company of Canada, or between parties representing such Companies, as respects that portion of the St. Francis and Megantic International Railway between Sherbrooke and Lennoxville, and with reference to the use by the St. Francis and Megantic International Railway Company of the third rail laid on the Grand Trunk Railway, between said points, and the track now used by the above first two mentioned companies, and as respects stations, turn-table, machine shop and engine house, and generally facilities to secure to the St. Francis and Megantic International Railway Company, right of way over the portion of the road between said points, as part and portion of their road, in the same manner as if built on their own land under their charter; and the said railway companies or any two or more of them may, at any time hereafter, make and complete and ratify any contract or contracts to secure to the St. Francis and Megantic International Railway Company the right to the use of the machine shop, turn-table, station and other railway buildings at Sherbrooke for their road, or to acquire land to erect any buildings necessary for said Company at the terminus at Sherbrooke; and to acquire any land or buildings by purchase or lease at Lennoxville, necessary for their purpose at Lennoxville; and generally to agree and consent to any contract or arrangement mutually beneficial to said companies or any two of them, and so as to secure regular and uninterrupted transit of passengers and goods over the road between Lennoxville and Sherbrooke, and render the same part and portion of the St. Francis and Megantic International Railway terminating at Sherbrooke.

Directors may make running arrangements with other Railways as to through traffic.

4. It shall be lawful for the Directors of the St. Francis and Megantic International Railway Company, at any time hereafter, if it shall be found advisable to do so, to enter into any agreement with any other railway company or companies, whereby their said railway may be made to form a part or link of railway communication between the Atlantic seaboard and the Pacific, or between the Atlantic and any western terminus less distant than the Pacific ocean, with a view of obtaining as direct a line of railway as is practicable from St. John to the western possession of Canada; and to make any regulations whereby terms may be settled upon, for securing mutual advantages to the companies interested, and rules established to be acted upon in common to facilitate the transport of freight and passengers over the whole

line of railway of which said railway shall form a part ; or for leasing said railway or any part thereof, or acquiring by lease any railway or any portion of any railway, to carry out such purpose and secure such continuous line of railway as aforesaid : Provided Proviso : for ratification by shareholders. no such lease or acquisition by lease shall have effect until ratified by the majority of shareholders present at any annual meeting or a meeting duly called to consider the same.

CHAP. 86.

An Act to amend the Erie and Niagara Railway Company Act of 1863.

[Assented to 23rd May, 1873.]

WHEREAS the Erie and Niagara Railway Company have Preamble. petitioned for power to construct one or more branches from their line of railway to the Niagara River, and otherwise to extend their corporate powers ; and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. The said Company shall have power to construct and open Company may open branch lines. 27 V. c. 59. one or more branch lines of railway in the Counties of Lincoln and Welland to the Niagara River, to connect with the intended railway bridge at Queenston and with the Canada Southern Railway at some point in the township of Bertie ; and “ *The Erie and Niagara Railway Company Act, 1863,*” shall be taken, held and construed to apply to any such branch lines as fully and effectually as if the said branch lines had been originally authorized to be constructed and operated, in and by the said last mentioned Act.

2. The gauge of the said railway may be such as the Directors Gauge. in their discretion may determine upon.

3. The Erie and Niagara Railway Company may extend, to any Privileges may be extended to certain railway companies. railways which may have a terminus in the State of New York on the Niagara River, the same privileges which are authorized to be conferred on the railway companies mentioned in the twenty-ninth section of “ *The Erie and Niagara Railway Company Act, 1863,*” subject to the provisions in the said section contained.

4. The Company are authorized to acquire by purchase or lease Company may acquire land for docks, &c. land and premises in the village of Lewiston in the State of New York, and in the City of Toronto, for the erection of docks, elevators, warehouses, stations, buildings and offices, and to sell and convey the same when no longer required for the purposes of the Company.

CHAP. 87.

An Act for granting certain powers to the Montreal, Chambly and Sorel Railway Company.

[Assented to 23rd May, 18

Preamble.

WHEREAS the Montreal, Chambly and Sorel Railway Company, a body corporate, incorporated under an Act of the Legislature of the Province of Quebec, have, by their petition, prayed for power to issue promissory notes, and to enter into and conclude agreements and arrangements with foreign railway companies; and whereas it is expedient to grant their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Work declared
of general
advantage.

1. The Montreal, Chambly and Sorel Railway is hereby declared to be a work for the general advantage of Canada.

Company may
become parties
to promissory
notes.

2. The said Montreal, Chambly and Sorel Railway Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by any such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the Company, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and any such promissory note or bill of exchange so made, shall be presumed to have been made with full authority until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any promissory note or bill of exchange; nor shall the President, Vice-President or the Secretary and Treasurer be individually responsible for the same in any manner whatsoever, unless the promissory note or bill of exchange have been issued without the sanction and authority of the Board of Directors of the said Company: Provided always that no such promissory note or bill of exchange shall be payable to bearer or be of a nature to be received as money or as the bill or note of a bank.

Proviso.

Company may
make agree-
ments with
other railway
companies.

3. The said Montreal, Chambly and Sorel Railway Company may enter into any agreement with any foreign or Canadian railway company for leasing the said railway in whole or in part or the use thereof at any time or times; or for leasing to or from any Canadian or foreign railway company any railway or part thereof, or the use thereof; or for leasing from such company or companies any bridges, locomotives or other movable property, or the use thereof; and generally may make any agreement or agreements with any such company, touching the use of one or the other or by both companies of the railway or of any movable property of either or both or any part thereof, or in rendering any service to be rendered by the one company to the other.

and the compensation therefor; any and all such agreements shall be valid and binding, and shall be enforced by any court of justice according to the terms and tenor thereof; and such other railway company may agree to loan its credit to the said "The Montreal, Chambly and Sorel Railway Company," or may subscribe to or become the owner of the whole or a part of the capital stock of the said Company, in like manner and with the like rights as individuals: Provided the said leases, agreements and arrangements have been first respectively sanctioned by the majority of votes at a special general or annual meeting of the shareholders of the said Company, duly called for that purpose according to law. Proviso.

CHAP. 88.

An Act to incorporate The Great Western and Lake Ontario Shore Junction Railway Company.

[Assented to 23rd May, 1873.]

WHEREAS it is highly desirable that a railway should be made from some point on the Great Western Railway at or near the Town of St. Catharines to the Village of Queenston, on the Niagara river; and that the company constructing the same should have power to extend their railway beyond the Province of Ontario, and to provide facilities at stations and otherwise, at or near the Town of Lewiston, in the United States of America, for the purpose of forming connections with railways in the said United States; and the persons hereinafter mentioned having petitioned to be incorporated for that purpose, it is expedient to grant a charter for the construction of such railway: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Honorable William McMaster, Senator; Donald McInnes, of the City of Hamilton, Esquire; The Honorable John Carling, of the City of London; Joseph Price, of the City of Hamilton, Esquire; William McGiverin, of the same place, Esquire; William Ker Muir, of the same place, Esquire; Adam Brown, of the same place, Esquire; and Samuel Barker, of the same place, Esquire,—together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Great Western and Lake Ontario Shore Junction Railway Company." Incorporation.
Corporate name.

2. The said Company hereby incorporated shall have full power under this Act to construct a railway from such point on the line of the Great Western Railway as may be found most eligible, and as near the Town of St. Catharines as may be deemed desirable, to Power to build a certain line of railway]

some point at or near the Village of Queenston, on the Niagara river, with full power to pass over any portion of the country between the points aforesaid.

Provisions of 4 W. 4, c. 29, and Acts amending the same, to apply.

3. All the provisions of the Act of the Parliament of the former Province of Upper Canada, passed in the fourth year of His late Majesty King William the Fourth, and intituled "*An Act to incorporate the London and Gore Railroad Company*," and the Acts of the Parliament of the former Province of Canada, and of the Parliament of the Dominion of Canada, reviving, extending and amending the same or relating to the Company thereby incorporated and now called "*The Great Western Railway Company*," which shall be in force at the time of the passing of this Act and shall not be inconsistent with this Act or provide for matters not provided for by this Act, shall be and are hereby incorporated with this Act; and they only, with this Act, shall extend and apply to the Company hereby constituted and the railway which they are empowered to make, and shall so apply as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and the said railway; and all the provisions of the said Acts which are so incorporated with this Act shall be intended and included by the expression "*this Act*," whenever it is used herein,—but in so far only as the provisions of said Acts or any parts thereof respectively may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

Capital stock.

4. The capital stock of the said Company shall be three hundred thousand dollars, divided into three thousand shares of one hundred dollars each.

Provisional board of directors.

5. The Honorable William McMaster, Donald McInnes, the Honorable John Carling, Joseph Price, William McGiverin, Wm. Ker Muir, Adam Brown and Samuel Barker shall be and are hereby constituted the Board of Provisional Directors of the said Company, and shall hold office until the first election of Directors under this Act; and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions of stock for the undertaking,—giving at least four weeks' previous notice, by advertisement in the *Canada Gazette*, of the time and place of their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and acquire any plans and surveys existing; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Powers of.

Stock books, surveys, &c.

Subscription of stock.

6. No subscription of stock in the capital of the said Company shall be legal or valid unless ten per centum shall have been actually and *bond fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the said Directors; and such ten per centum shall

not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway or upon the dissolution of the Company from any cause whatever: and the said Directors or a majority of them may, in their discretion, exclude any persons from subscribing who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and, if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said railway.

Allotment of stock.

7. So soon as fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bond fide* paid thereon and deposited in one or more of the chartered banks of Canada, for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper,—giving at least two weeks' notice in the *Canada Gazette*; at which meeting the shareholders shall elect nine Directors from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

First meeting of shareholders.

Election of Directors.

8. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at the City of Hamilton, (or elsewhere within the Province of Ontario as may be appointed by by-law,) on the first Wednesday in the month of June in each year, and two weeks previous notice thereof shall be given by publication as provided in the last preceding section.

Annual general meeting.

9. No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least five shares in the stock of the said Company, and shall have paid up all calls made thereon.

Qualification of directors.

10. No call to be made at any one time upon the said capital stock shall exceed ten per centum on the subscribed capital.

Calls.

11. All deeds and conveyances to the Company of lands required by them may be in the form given in Schedule A annexed or to the like effect, and shall be sufficient conveyance thereof to the Company, their successors and assigns, and sufficient bar of dower of all persons executing the same; and all Registrars are required to and shall register the same in the same manner and upon such proof of execution as is required under the registry laws of the Province of Ontario; and no Registrar shall be entitled to demand or receive more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

Form of conveyance of land.

Registration.

Directors may
issue bonds.

Effect of
bonds.

Proviso.

Proviso.

12. The Directors of the said Company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the Company aforesaid: Provided always that the whole amount of such issue of bonds shall not exceed in all the sum of three hundred thousand dollars: Provided also that the bonds to be issued prior to the completion of the railway shall not at any one time be in excess of the amount actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Province of Ontario or Quebec.

Bonds and
debentures
how payable.

13. All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery; and any holders of any such so made payable to bearer may sue at law thereon in his own name

Purchase and
sale of lands.

14. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel or ballast pits or other purposes for constructing, maintaining or using the said railway, and in case, by taking the whole of any lot or parcel of land over which the railway is to run, or any part of which may be required for any of the purposes aforesaid, the Company can obtain the same at a more reasonable price or to greater advantage than by taking or purchasing the part thereof only, the Company may take, purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient.

Agreements
may be made
with Bridge

15. The Company may agree for the loan of its credit, by direct guarantee or traffic contract or otherwise, to and with the Queenston Suspension Bridge Company, or to and with that Company and any other company combining to build a bridge over the Niagara river, or to and with any corporation that may be formed by the amalgamation of such companies, and to and with any other such bridge company or companies; and may enter into any agreement with the said bridge company and any other such company or amalgamated company as aforesaid, and with any other bridge companies for leasing or hiring from them or any of them any bridge across the Niagara river or part thereof or the

reof; and generally to make any agreement with any such company or companies touching the use by one or the other of the railway or bridge or movable property of either or both or any part thereof, or touching the service to be rendered by the one company to the other and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and conditions thereof: Provided that no discrimination in tariff or preference of traffic over any such railway bridge shall be made in favour of or against any railway or railroad.

16. The Company shall have power to use its funds, by way of Company may extend its operations beyond Canada. in laying its rails out of the Dominion of Canada, in providing facilities at stations or otherwise, in the United States of America, for its traffic and for making connections and promoting its traffic with the railways therein.

17. It shall be lawful for the said Company to enter into any agreement with any other railway company in the Dominion of Canada for leasing the said railway or any part thereof or the use thereof at any time or times or for any period, to such other company, or for leasing or hiring from such other company any railway or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property; and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or movable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; or such other railway company may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred. Arrangements with other companies.

18. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made and endorsed and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President Company may become parties to promissory notes.

Proviso.

President, or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a bank.

Limitation of time for construction.

19. The railway shall be commenced within three years, and completed within five years after the passing of this Act.

Declaration.

20. The said railway hereby authorized to be constructed is hereby declared to be a work for the general advantage of Canada.

SCHEDULE A.

Know all men by these presents, that I, _____ of _____ hereby, in consideration of _____ dollars, paid to me by the Great Western and Lake Ontario Shore Junction Railway Company, the receipt whereof I hereby acknowledge, do grant and confirm to the said company, its successors and assigns for ever, all that certain parcel of land situate

for the purpose of their railway, and I, _____ the wife of the said _____ do hereby release my dower on the said lands.

As witness _____ hand and seal this _____ day of _____ one thousand eight hundred and seventy-

Signed, sealed and delivered
in the presence of

[L. S.]

CHAP. 89.

An Act to amend the Act incorporating the Detroit River Railway Bridge Company, and to change the name of the Company to "The Detroit River Railway Bridge and Tunnel Company."

[Assented to 23rd May, 1873.]

Preamble

WHEREAS Milton Courtright and other Provisional Directors of the Detroit River Railway Bridge Company have petitioned for such an amendment to their Act of incorporation as to empower them at their option to construct a bridge across or a tunnel under the River Detroit, and for an increase of

pital stock,—and also for other amendments to the said Act ; and is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ninety-one, intituled, "*An Act to incorporate The Detroit River Railway Bridge Company*," is hereby repealed. S. 30 of 35 V., c. 91, repealed.

2. The name of the Company incorporated by the said Act is hereby changed to "*The Detroit River Railway Bridge and Tunnel Company*," Name changed.

3. The said Company shall have power, at their option, to construct, maintain, work and manage a railway bridge across or a tunnel under the River Detroit, as may be found most suitable for railway purposes, at the point mentioned in section four of the said Act. A bridge or a tunnel may be constructed.

4. All the provisions and requirements of the said Act concerning the bridge authorized thereby to be constructed, with reference to surveys and plans, the approval of the site and plans by the Governor in Council, the running of trains over the same, agreements with railway companies for leasing the same or for the use thereof, shall apply to the said tunnel, if constructed, in so far as the same may be properly applicable thereto. Provisions applicable to tunnel.

5. If the amount of the capital stock of the Company, including the increase thereof authorized by the ninth section of the said Act, be found insufficient for the purposes of the Company, a further increase may be made under the provisions of "*The Railway Act, 1868*." Increase of capital.

6. If the amount which the Company is authorized to borrow under the fourteenth section of the said Act be found insufficient, a further issue of bonds may be made, under the provisions of "*The Railway Act, 1868*." Increase of borrowing power.

7. The time specified in section twenty-nine of the said Act is hereby extended to two years for the commencement and six years for the completion, respectively, of the works of the Company, from the passing of this Act. Extension of time for construction.

8. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge or tunnel, and working the lines in connection therewith, or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge or tunnel ; and to use any of the public highways for the purpose of constructing and working Power to acquire land, &c.
Public highways by consent.

working the same or any of them, with the consent of the municipal council having jurisdiction over such highway.

Company may
construct foot
bridge.

9. If the Company build a railway bridge instead of a tunnel, they shall have power to construct, as part of or in connection with the same, a passage floor or way for horses, carriages and foot passengers; and they may make the same either during the construction of the said railway bridge or at any time after the completion thereof; and in the event of their electing to construct such foot bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.

CHAP. 90.

An Act to incorporate the Canada and Detroit River Bridge Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS certain persons hereinafter named have petitioned for power to build a bridge across the Detroit River for railway and other purposes at such points in or near Windsor and Detroit as may be found eligible, with the object of connecting, by means of railways on such bridge, the Great Western Railway and the Michigan Central Railroad and all such other railways or railroads which now or may hereafter terminate either at Windsor or Detroit, and of affording ready communication between the said places; And whereas the Great Western Railway Company, claiming rights under their Acts of incorporation to construct the said work, have also petitioned, praying that the aforesaid petitioners should be entrusted with the enterprize, and an Act of incorporation be passed in their aid; and it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons
incorporated.

1. The Honorable William McMaster, Senator, James F. Joy, of the City of Detroit, in the State of Michigan, Esquire; Sir Thomas Dakin, London, England; Gilson Homan, Sandford House, Kirkstall, near Leeds, England; Donald McInnes, of the City of Hamilton, in the Province of Ontario, Esquire; the Honorable John Carling, of the City of London, Ontario; Joseph Price, of the aforesaid City of Hamilton, Esquire; William Ker Muir, of the same place, Esquire; Samuel Barker, of the same place, Esquire, and John Kennedy of the same place, Esquire, together with such persons and corporations as shall under the provisions

this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Canada and Detroit River Bridge Company."

Corporate name.

2. "*The Railway Act*, 1868," is hereby incorporated with this Act and shall form part hereof and be construed herewith as forming one Act.

Railway Act incorporated with this.

3. The Company hereby incorporated shall have full power and authority under this Act to construct, maintain, work and manage a railway bridge across the Detroit River for railway purposes, from some point at or near the Town of Windsor, in the County of Essex, towards a point at or near the City of Detroit, in the State of Michigan, and such other works as are hereinafter mentioned.

Company may build bridge over Detroit River.

4. The Canada and Detroit River Bridge and other works by this Act authorized to be constructed are hereby declared to be works for the general advantage of Canada.

Declaratory of general advantage.

5. The said Company are hereby authorized to work trains by steam or horse or other power, for local passenger and freight traffic between the State of Michigan and the County of Essex over the bridge hereby authorized to be constructed; and to connect the said trains with other railways; and by and upon rails or otherwise to work and convey the said trains into the said County and into the said Town of Windsor and within the corporate limits thereof.

Power to work trains across bridge.

6. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge and working the said trains or for the convenient using of the same; and also for the construction and using of such branch railway, not exceeding five miles in length, as may be necessary to make connections or approach the said bridge and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the municipal council having jurisdiction over such highway.

Power to acquire land, &c.

Public roads with consent.

7. The persons named in the first section are constituted the Board of Provisional Directors of the said Company and shall hold office as such until the first election of Directors under this Act; and shall have power and authority immediately after the passing of this Act to open stock books and procure subscriptions of stock for the undertaking,—giving at least four weeks' previous notice by advertisement in the *Canada Gazette* of the time and place of their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing: and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Provisional Directors.

Stock books.

Plans and surveys.

Subscriptions
for stock and
allotment
hereof.

8. No subscription of stock in the capital of the said Company shall be legal or valid, unless ten per centum shall have been actually and *bond fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada to be designated by the said Directors; and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such railway bridge or upon the dissolution of the Company from any cause whatever; and the said Directors or a majority of them may, in their discretion, exclude any persons from subscribing who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said railway bridge.

All share-
holders to
have equal
rights.

9. All shareholders in the said Company, whether British subjects or aliens or residents or corporations in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same and to be eligible to office in the said Company.

Capital and
shares.

Increase.

10. The capital stock of the said Company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars.

First meeting
of share-
holders for
election of
Directors.

11. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bond fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the hereinbefore mentioned Directors or a majority of them shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper,—giving at least two weeks' notice in the *Canada and Ontario Gazettes*; at which meeting the shareholders shall elect seven Directors, from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Annual gen-
eral meeting.

12. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at the City of Hamilton, in the Province of Ontario, (or elsewhere as may be appointed by by-law) on the first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section.

Qualification
of directors.

13. No person shall be elected a Director of the said Company, unless he shall be the holder and owner in his own right or as trustee for any corporation, of at least forty shares in the
stock

ack of the said Company, and shall have paid up all calls made thereon.

14. No call to be made at any time upon the said capital **Calls.**
 ack, shall exceed ten per centum on the subscribed capital ; and
 stockholder shall be liable for the debts or obligations of the **Limited liability.**
 mpany beyond the amount unpaid on any stock held by him.

15. It shall be lawful for the Directors of the said Company, **Power to bor-**
 er the sanction of the majority of the shareholders present or **row money**
 presented by proxy shall have been first obtained at any special **and issue**
 neral meeting to be called from time to time for such purpose, **bonds.**
 issue bonds made and signed by the President or Vice-President
 the Company and countersigned by the Secretary and Trea-
 rer, and under the seal of the said Company, for the purpose of
 ising money for prosecuting the said undertaking ; and such bonds **To be prefer-**
 all, without registration or formal conveyance, be taken and con- **ential claims.**
 sidered to be the first and preferential claims and charges upon
 the undertaking and revenues, and the property of the Company
 al and personal then existing or at any time thereafter acquired ;
 and each holder of any bond or bonds so issued from time to time
 shall be deemed to be a mortgagee and encumbrancer *pro rata*
 with all the other holders thereof upon the undertaking, revenues
 and property of the Company as aforesaid ; and such bonds may **Term and**
 e for any term of years not exceeding thirty years, and may bear **rate of in-**
 terest at any rate of interest not exceeding the rate of seven **terest.**
 er centum per annum : Provided however that the whole amount **Proviso ;**
 f such issue of bonds shall not exceed in all the sum of eight **amount**
 hundred thousand dollars. **limited.**

16. The Company shall have power to become parties to pro- **Power to be-**
 missory notes and bills of exchange for sums not less than one **come parties**
 hundred dollars ; and any such promissory note made or endorsed **to promissory**
 and such bill of exchange drawn, accepted or endorsed by the **notes.**
 President or Vice-President of the Company and countersigned by
 the Secretary and Treasurer, and under the authority of a majority
 of a quorum of the Directors, shall be binding on the Company ;
 and every such promissory note or bill of exchange made, drawn,
 accepted or endorsed by the President or Vice-President of the
 said Company and countersigned by the Secretary and Treasurer,
 as such, shall be presumed to have been properly made, drawn,
 accepted or endorsed, as the case may be, for the Company, until
 the contrary be shown ; and in no case shall it be necessary to have
 the seal of the Company affixed to any such bill of exchange or
 promissory note ; nor shall the President, Vice-President or Secre-
 tary and Treasurer of the Company so making, drawing, accepting
 or endorsing any such promissory note or bill of exchange, be
 thereby subjected individually to any liability whatever : Provided **Proviso.**
 always, that nothing in this section shall be construed to authorize
 the said Company to issue any note payable to bearer or any
 promissory note intended to be circulated as money or as the note
 of a bank.

When more land has to be acquired than is required for right of way.

Company may sell the same.

Plans of bridge, &c., to be submitted to Governor for approval.

Draws.

Lights.

Steam tug to be kept.

Damages for neglect

Regulations.

Lights to be kept up during the construction of the bridge.

17. Whenever it shall become necessary for the purpose of procuring sufficient lands for stations or gravel pits or ballasting or other purposes for constructing, maintaining or using the said bridge and branch railway, or working or using the said trains, to purchase more land than is required for such stations or gravel pits or ballasting or other purposes, the said Company may purchase, take, hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their bridge, branch railway or line for working the said trains, in such manner and for such purposes connected with the construction, maintenance or use of the said works as they may deem expedient; and may sell and convey the same or parts thereof from time to time as they may deem expedient.

18. The said Company shall not commence the said bridge or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council, plans of such bridge and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose, touching the said bridge and works, shall have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as to have two draws in the main channel of the river, (which said draws shall each be of the width of one hundred and sixty feet), and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall otherwise be tended and moved at the expense of the said Company so as not to hinder unnecessarily the passage of any vessel: from sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge, to guide vessels approaching the said draws, and for assisting the passage of any vessel through the said draws, the said Company shall at all times keep in readiness, a steam tug suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively, whenever requested so to do by the officers of such vessels, without charge; and the said Company shall be liable to pay the owners of any vessel or of the cargoes or freight thereof all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions; and the use of the said bridge shall be subject to such regulations as shall be, from time to time, approved of by the Governor in Council.

19. It shall be the duty of the said Company during the construction of such bridge, to put up and maintain, in the night time during the season of navigation, a good and sufficient light at each end of any coffer dam or pier, which may be erected by the said Company, the said light to be placed at least five feet above the

aid dam or pier, and also such buoys during both day and night : may be necessary for the guidance of persons navigating the aid river : Provided always, that before commencing the works of the said bridge or taking possession of any part of the beach or land covered with water or other property of the Crown, the company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid.

Proviso ; consent of Governor to commencement of works.

20. It shall be lawful for the said Company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, branch railway and other works or any of them or the entire or partial use thereof, at any time or times or for any period, to such railway or railroad companies ; or for leasing or hiring from such company or companies any railway or railroad or part thereof or the use thereof ; or for the leasing or hiring any locomotives, tenders or moveable property ; and generally to make any agreement or agreements with any such company or such companies, touching the use by one or the other or others of the bridge or railway or railways, or railroad or railroads, or moveable property of either or of any of them or any part thereof, or touching any service to be rendered by the one company to the other or others and the compensation therefor ; and any such railway or railroad company or companies may agree for the loan of its credit (either by direct guarantee or traffic contract or otherwise) to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals ; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof ; and any company accepting and executing such lease, shall be and is empowered to exercise all the rights and privileges in this charter conferred, subject to the limitations and reservations (if any) in such agreement or lease expressed.

Company may make agreements with railway companies for lease of bridge

And for further purposes.

21. When the said railway bridge is completed and ready for traffic, all cars of all railways or railroads terminating at or near the Town of Windsor aforesaid, or in the State of Michigan, at or near the City of Detroit, now constructed or hereafter to be constructed (including the cars of any other railway company which may be brought over such railways,) shall have the right to be hauled and forwarded over the said bridge at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff for such transportation shall be made in favour or against any railway or railroad whose cars or business may be forwarded over the bridge.

All railway trains to be entitled to cross without preference.

22. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway, whose cars or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the

Arbitration in case of disagreement as to rates of toll.

same

same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated, and another by the Company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the Superior Courts of the Province of Ontario, upon application to such Court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them, shall be final: Provided that the terms of the said award shall not be binding for a longer term than five years.

Proviso.

Power to the Company to amalgamate with another or others.

23. It shall be lawful for the said Company to unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any other company, incorporated or which may be incorporated by the laws of the State of Michigan, one of the United States of America, for a similar purpose with the Company hereby incorporated, and to enter into all contracts and agreements therewith, necessary to such union and amalgamation, and which said company shall be, by the laws of the State of Michigan, authorized to enter into such amalgamation or consolidation.

Proceedings for such purpose.

24. The Directors of the Company hereby incorporated and of any corporation proposing to so amalgamate or consolidate as aforesaid may enter into a joint agreement in duplicate, under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the Directors and other officers thereof, and who shall be the first Directors and officers thereof and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long, Directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act.

Agreement to be submitted to stockholders.

Notice of meeting.

25. Such agreement shall be submitted to the stockholders of each of the said corporations. at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices, addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively or address them by mail, at their last known post office address or

residence, and also by a general notice to be published in a newspaper published in the County of Essex, and in the City of Detroit once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy: and if two thirds of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the Secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation, and a copy of such agreement so filed and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Voting on
agreement.

Official filing
of agreement
if adopted.

26. Upon the making and perfecting of the said agreement and act of consolidation, as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein otherwise provided.

Powers of
consolidated
corporation.

27. Upon the consummation of such act of consolidation as aforesaid all and singular the property, real, personal and mixed and all rights and interest appurtenant thereto, all stock subscriptions and other debts due on whatever account and other things in action belonging to such corporations or either of them shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however that all rights of creditors and liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding legal or equitable by or against the said corporations so consolidated or either of them shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding, such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place hereof.

All property
of several cor-
porations
transferred to
new corpora-
tion.

Proviso:
rights of
creditors
saved.

New corporation may negotiate loans on mortgage.

28. The said new corporation shall have power from time to time to borrow such sums of money as may be necessary for constructing and completing the works hereby authorized, and for the acquiring of the necessary real estate for the site thereof and the approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of one million six hundred thousand dollars.

What rates of tolls or compensation may be charged for use of bridge.

29. The Company hereby incorporated or the said new corporation or any railway or railroad company or companies, being lessees of the said railway bridge, shall have the right to charge such compensation for the use of the said bridge by railway or railroad companies, whose business shall pass and be forwarded over the said bridge, as shall be found by experience requisite to yield an amount which would be sufficient to pay the expense of keeping in repair, maintaining and managing the works hereby authorized to be constructed, the interest upon the money borrowed for the construction thereof and dividends not exceeding ten per centum per annum upon the capital stock, and an additional sum which would be sufficient to furnish a sinking fund each year, not to exceed five per cent of the amount of the bonded debt; and deficiencies in the amount of tolls in any one year may be charged for and collected in any subsequent year.

Provision if tolls are not sufficient to meet amount guaranteed.

30. If the tolls collected shall not in any year have paid the amount which the railway companies shall have guaranteed, and the railway companies shall have had to pay the deficiency, such deficiency shall be a debt due by the Bridge Company, (or the new corporation in case of amalgamation or consolidation) to the railway companies,—to be discharged thereafter with interest; or the said railway companies and the said Bridge Company, or the new corporation as aforesaid, may agree for the discharge of the said debt by the creation and issue of capital stock at such rates or prices as may be agreed on.

Votes.

31. At all meetings of the stockholders of the Company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the Directors of the said Company may also, at any meeting of the Board, vote by proxy,—such proxy to be held by another Director: Provided that no more than two proxies shall be held by one Director of the other Directors; and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Proxies.

Time for construction limited.

32. One hundred thousand dollars shall be paid in within two years, and the said railway bridge shall be commenced within three years and completed within seven years from the coming into force of this Act.

Conditions to be complied with before

33. This Act shall have no force or effect until duly as copies of any Act passed by the Legislature of the State of:

incorporating any company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States conferring necessary powers in respect of the same are in the Department of the Secretary of State of Canada,—upon the Governor in Council may, by proclamation, order that and after a day to be mentioned therein this Act shall be of full force and effect, and this Act shall accordingly thenceforth have full force and effect.

this Act shall come into force.

4. The Company hereby incorporated, and the said new corporation shall have power to and may construct as part of or in connection with the said railway bridge and other works, a passage or way for horses, carriages and foot passengers; and may construct the same either during the construction of the said railway bridge or at any time after the completion thereof; and, in the event of electing to construct the same, may make, amend, repeal, enact and enforce all such by-laws, rules and regulations as shall appear to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and paid for passing over the same, subject to the provisions of the twentieth section of this Act.

Company may construct foot bridge.

5. This Act may be cited as “The Canada and Detroit River Bridge Act, 1873.”

Short title

CHAP. 91.

Act to amend the Act of the present Session, intituled “*An Act to incorporate the Canada and Detroit River Bridge Company.*”

[Assented to 23rd May, 1873.]

amendment of the Act passed in the present session of the Parliament of Canada, intituled “*An Act to incorporate the Canada and Detroit River Bridge Company,*” Her Majesty, by with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble. C. 90.

The thirty-third section of the said Act, which is in the following words, that is to say:

S. 33 of the said Act recited and

33. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Michigan, incorporating any company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States conferring necessary powers in respect of the same are filed in the Department of the Secretary of State of Canada; upon which the Governor in Council may, by proclamation, order that from and after a day to be mentioned therein this Act shall be of full force and effect; and this Act shall accordingly thenceforth have full force and effect,—

and is hereby repealed, and shall be null and of no effect.

Repealed.

CHAP. 92.

An Act to amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 23rd May, 1873.]

Preamble.

35 V., c. 87.

WHEREAS Milton Courtright and other Provisional Directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned for the repeal of the thirtieth section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled "*An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company*," and for other amendments to the said Act; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

S. 30, of 35
V., c. 87, re-
pealed.

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled "*An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company*," is hereby repealed.

Time extend-
ed for con-
struction.

2. Section twenty-nine of the said Act is hereby amended by extending the time for commencing the works of the said Company to two years, and for completing the same to six years, respectively, from the passing of this Act.

Increase of
capital.

3. If the amount of the capital stock of the Company, including the increase thereof authorized by the ninth section of the said Act, be found insufficient for the purposes of the Company, a further increase may be made under the provisions of "*The Railway Act, 1868*."

Increase of
borrowing
power.

4. If the amount which the Company is authorized to borrow under the fourteenth section of the said Act be found insufficient, a further issue of bonds may be made, under the provisions of "*The Railway Act, 1868*."

Power to
acquire land,
&c.

5. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said bridge or tunnel, and working the trains in connection therewith, or for the convenient using of the same; and also for the construction and using of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge or tunnel; and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the municipal council having jurisdiction over such highway.

Highways.

G. If the Company build a railway bridge instead of a tunnel, they shall have power to construct as part of or in connection with the same, a passage floor or way for horses, carriages and foot passengers; and they may make the same either during the construction of the said railway bridge or at any time after the completion thereof; and in the event of their electing to construct such foot-bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use hereof, and as to the tolls and fares to be received and charged for passing over the same.

Company,
may con-
struct foot
bridge.

CHAP. 93.

An Act to amend the Acts incorporating the Queenston Suspension Bridge Company.

[Assented to 23rd May, 1873.]

WHEREAS the Queenston Suspension Bridge Company con-
jointly with the Lewiston Suspension Bridge Company con-
structed a suspension bridge across the Niagara River, uniting
the Village of Queenston with the Village of Lewiston on the
American side; and whereas the said bridge was, in the month of
January, one thousand eight hundred and sixty-four, seriously
injured by a gale of wind, and has ever since remained
 unfit for public use; and, whereas the shareholders of the
said Companies have agreed to reorganize and build an
entirely new bridge on the old site upon a larger and more per-
manent basis; and whereas, in consequence of the destruction of
the said bridge and in view of equalizing the value of the old
stock shares with the new capital stock necessary to construct the
new bridge, the shareholders, at a special meeting called for that
purpose and held at Queenston on the thirty-first day of July, one
thousand, eight hundred and seventy-two, unanimously passed
a resolution agreeing to relinquish their capital stock shares,
and to accept new paid up stock shares to be issued under the
reorganization at the rate of fifty cents on the dollar paid
on the said shares,—which reduction has been ascertained
by competent engineers to be equivalent to the value of the
lands, materials and properties belonging to the old Bridge
Company; and whereas, in pursuance of such resolution, the Presi-
dent and Directors of the said Company have, by their petition,
prayed that such reduction shall be made as aforesaid:
Therefore Her Majesty, by and with the advice and consent of
the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. For and notwithstanding anything mentioned in the Act passed
the twelfth year of Her Majesty's reign, and intituled "*An Act*
to

Mode and rate
of conversion
of old stock

into new.
2 V., c. 119,

to incorporate the Queenston Suspension Bridge Company,
Act amending the same, each and every share in the capital of the said Queenston Suspension Bridge Company as amount paid upon the same shall, from and after the passing Act, be held to represent and be equal to the sum of fifty of the dollar and no more; and the shareholders shall be entitled to receive, in lieu of the old stock shares held by them respectively, new paid up stock shares at the rate of fifty cents in the dollar as aforesaid.

Directors may
issue bonds.

Form, &c.

Proviso :
amount
limited.

Government,
municipalities
and others
may assist
undertaking.

Inconsistent
enactments
repealed.

2. The Directors of the said Company are hereby authorized and empowered to issue bonds or debentures which shall form a first charge on the undertaking, lands, buildings and income of the Company, or any or all of them as may be expressed in the said bonds or debentures; and such bonds and debentures shall be in such form and for such amounts, and payable at such times and places as the Directors from time to time may appoint or direct. The said bonds and debentures shall be signed by the President or Vice President and countersigned by the Secretary, and shall have the corporate seal of the Company affixed thereto. Provided that the amount of such bonds and debentures shall not exceed the sum of seven hundred and fifty thousand dollars; and that such bonds shall be issued for a less sum than one hundred

3. It shall be lawful for the said Company to receive either a grant from the Government or from any individual or corporation, municipal or otherwise, either in Canada or elsewhere, as may be thought fit for the construction of the said bridge, any lands in the vicinity thereof, or any other real or personal property, or any sum of money either as gift or by way of bonus or in payment of consideration, and legally to dispose of the same, and alienate the lands or real or personal property for the purposes of the said Company.

4. All Acts and parts of Acts inconsistent herewith are hereby repealed.

CHAP. 94

An Act respecting the Desjardins Canal.

[Assented to 23rd May, 1871]

Preamble.

WHEREAS the Corporation of the Town of Dundas, the Desjardins Canal Company, the Great Western Railway Company and the Hamilton and Milton Road Company, being desirous of entering into an amicable arrangement respecting the present difficulties existing between them with respect to erecting, keeping and maintaining across the Desjardins Canal at Burlington Heights, stationary or other bridge or

by put an end to any further litigation respecting the same ; for that purpose a petition has been presented to the Parliament of Canada for an Act to authorize them to enter into such engagements, and to legalize and make the same permanent and actual ; and it is desirable to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. It shall be lawful for the Desjardins Canal Company and Great Western Railway Company, and they are hereby authorized to make and enter into such agreements and arrangements as they shall think advisable, with each other and with the town of Dundas and the Hamilton and Milton Road Company, provided that such last-mentioned corporations have power so to do for or respecting the erecting, keeping and maintaining across said canal at and near the Burlington Heights, in all time to come, of any fixed or stationary or other bridge or bridges, already erected or to be erected, and of converting and changing any and moveable or draw or swing bridges across the said canal into fixed and permanent bridges,—and whether the said canal shall thereby be closed against masted vessels or not ; and all such agreements and arrangements executed under the respective corporate seals of the said parties shall be held to be legal, binding and effectual to all intents and purposes whatsoever, and shall have the same force and effect as if expressly done and provided by an Act of Parliament : and it shall thereupon be lawful to erect, build and maintain all and any such bridges, as fixed, stationary or permanent bridges across the said canal, and to convert and change any and all movable or draw or swing bridges across the said canal into fixed and permanent bridges, as, by the said agreements and arrangements, shall be provided : Provided always that such last-mentioned corporations shall have or shall have acquired power to enter into such agreements and arrangements.

The several companies interested may enter into agreements respecting bridges over the canal.

Effect of such agreement.

2. It is hereby further provided that this Act shall not in any way affect the present legal or equitable position or standing of any corporation of the town of Dundas, the Desjardins Canal Company, the Great Western Railway Company, the Hamilton and Milton Road Company or either of them, in case no agreements or arrangements can be made between the said parties. Nor shall this Act in any way prejudice or affect the rights of any of the said parties against any of the others of them, nor any litigation pending between them or any of them ; nor shall it prevent any of them from instituting any proceedings, legal or equitable, against any of the others of them, before or pending any such agreements or arrangements.

Rights saved in case no agreement is entered into.

3. Nothing in this Act contained shall in any way affect or impair any rights that the public now have under the Statute of the late Province of Canada, passed in the sixteenth year of Her Majesty's reign, chapter fifty-four, section five.

Rights of the public saved.

CHAP. 95.

An Act to extend the powers of the Montreal Telegraph Company, and for other purposes.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the Montreal Telegraph Company have, by their petition, prayed that the power of the Company may be extended to all parts of the Dominion, and especially to the Province of Nova Scotia ; and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Powers of Company extended to all parts of Canada.

1. The powers, privileges and franchises conferred upon the said Company, in and by any Act of the Parliament of the late Province of Canada, shall be and are hereby extended to, and may, by the Company, be exercised and enjoyed in all parts of the Dominion of Canada, and especially in the Province of Nova Scotia, as fully and amply, to all intents and purposes, as if the clauses and provisions granting the same had been set forth at length, and extended and made applicable to the said Province ; and all Acts of the Parliament of the late Province of Canada, relating to the said Company, shall have the same force and effect in and in relation to the said Province, from and after the passing of this Act, as they now have in and in relation to the other Provinces of the Dominion of Canada.

CHAP. 96.

An Act to incorporate the Canada Atlantic Cable Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS William A. Thomson, M. P., the Hon. Peter Mitchell, M.P., the Hon. John Simpson, and others have, by their petition, prayed that an Act of incorporation may be granted to them for the purpose of establishing telegraphic communication between the Dominion of Canada and the United Kingdom ; and it is expedient to grant the prayer of their petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Incorporation

1. The said Wm. A. Thomson, the Hon. Peter Mitchell, the Hon. John Simpson and their associates, and all other persons who may hereafter become holders of the stock hereinafter

oned, are hereby constituted a body politic and corporate, by the name of "The Canada Atlantic Cable Company," for the purpose of establishing telegraphic communication between some point on the Atlantic coast in Nova Scotia or New Brunswick, or on the Gulf of St. Lawrence, in the Province of Quebec, as may be found most suitable, to some point on the coast of Great Britain or of Ireland; and the said Company may make, adopt and use a corporate seal, and may sue and be sued, and may do every other act and thing whatsoever which may reasonably come within the scope, purposes and objects contemplated by this Act; and may acquire and hold such land and beach as may be requisite for their actual use and occupation, for stations, offices and construction purposes.

Corporate
name.

General
powers.

2. The said Company shall have full power and authority to make such connection with the line of any telegraphic company or companies in any portion of the United Kingdom of Great Britain and Ireland, and any such arrangement for working the same, as to the said Company or its Directors shall appear fitting.

Company may
connect with
other Com-
panies.

3. The said Company shall also have power and authority to accept from the Government of Canada, or from any Power, State or Government, or from any corporate body, any grant of money or guarantee of credit in aid of their said undertaking.

May accept
grants in aid

4. The capital of the said Company shall be five hundred thousand pounds sterling, and shall be divided into shares of twenty-five pounds each; and the said capital may be increased, from time to time, by resolution of the Board of Directors, and with the consent of a majority in value of the shareholders; but such capital shall, at no time, be made to exceed seven hundred and fifty thousand pounds sterling.

Limit of
increase.

5. The said Company may borrow such sums of money (not exceeding in all the sum of one million pounds sterling) and may issue such bonds therefor, in such amounts, and made payable at such times and places, and bearing such interest, and secured in such manner (by mortgage or otherwise) as the said Corporation may deem expedient and proper for carrying out the purposes of this Act.

Company may
borrow money
and issue
bonds.

6. William A. Thomson, M. P., the Hon. Sir Francis Hincks, M. P., the Hon. David L. Macpherson, Senator, the Hon. John Simpson, Senator, the Hon. Thomas Ryan, Senator, the Hon. Peter Mitchell, M. P., James Domville, M. P., and Adolphe Baron, M. P., all of Canada; Henry Labouchere, Chairman, London Bank of Commerce, J. Staniforth, Director, London Bank of Commerce, and Edward Harbord Lushington, Director, London County Bank, all of the City of London, England, and Frederick Alers Hankey, of Silverlands, near Chertsey, England, are hereby constituted a Provisional Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected by the shareholders, in the manner hereinafter provided; and in

Provisional
Directors.

the

the event of any one or more of the said Provisional Directors dying before the election of other Directors, the survivors shall constitute the said Provisional Board. Provisional Directors may hold proxies from absent Directors, and may vote thereon.

Stock books,
subscriptions,
calls, &c.

Notice of
opening of
stock books.

Subscription
of stock.

Directors may
reject sub-
scription.

First general
meeting of
shareholders.

Notice.

Election of
Directors.

7. The said Provisional Directors shall have power and authority at any time after the passing of this Act, to open stock-books and to procure subscriptions for the undertaking, to make calls upon the subscribers; to cause surveys and plans to be executed; to procure any charter or act of incorporation from the Imperial Government of the United Kingdom, which may be required for the continuation of the said telegraph line beyond the limits of Canada; and also to enter into any covenants, treaties or stipulations with the said Imperial Government, having for object to secure co-operation, guarantee or other aid to and for the said undertaking; and it shall be the duty of the said Provisional Directors to give not less than four weeks' notice in the *Canada Gazette* and in a daily newspaper in the City of London, England, of the opening of the said stock books and of the places where the same shall have been deposited.

8. No subscription of stock in the capital of the said Company shall be legal or valid unless ten per centum shall have been actually and *bond fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, or of the United Kingdom, to be designated by the said Directors, and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of such undertaking or for the return of deposits on rejected subscriptions, or upon the dissolution of the Company from any cause whatever; and the said Directors or a majority of them may, in their discretion, within five days after any such subscriptions have been recorded, refuse to accept the subscriptions of any persons who, in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act, and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment this will best secure the success of the undertaking.

9. So soon as ten per centum of the said capital stock shall have been subscribed, and ten per centum thereon paid up, the said Provisional Directors or a majority of them may call a meeting of shareholders, either at the City of Ottawa in Canada, or the City of London in England, as the said Provisional Directors may determine, at such time as they may think proper, giving at least one month's notice in the *Canada Gazette*, and in one or more newspapers published in Ottawa, and in London, England; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present, either personally or by

7. shall elect eleven persons to form and constitute a Board of Directors of the said Company.

8. On the first Wednesday of the month of June in each year the first general meeting, there shall be held a general meeting for the election of Directors at either of the cities named in the first section of this Act, as may be appointed by the Directors; and notice of every such meeting shall be given in the manner provided in the said section; and at every such general meeting Directors in office shall be eligible for re-election. Annual general meetings.

9. Special general meetings of the stockholders may be called on the requisition of any three Directors or of a stockholder or stockholders possessing fifty shares of the stock of the said Company; and a notice of such meeting specifying the object thereof shall be given as provided in the next preceding section but one. Special general meetings.

10. At all the general meetings of the Company, stockholders shall be entitled to one vote for each share on which all calls then due shall have been paid; which vote may be given either in person or by proxy,—such proxy being held by a stockholder. Voting.
Proxies.

11. The concerns of the Company shall be managed by a Board of not less than seven Directors, and each such Director shall be proprietor of at least twenty shares in the stock of the Company; and they shall be elected and hold office as hereinbefore provided. Vacancies in the Board of Directors, from death, resignation or otherwise, may be filled up by the Board for the remainder of the term. Board of Directors.
Vacancies how filled.

12. The Directors shall appoint one of their number to act as President, and another to act as Vice-President; and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices: a majority of the Directors shall form a quorum, and all questions shall be decided by a majority of the votes of the Directors present, in person or by proxy—the holder of such proxy being a Director; and in every equal division the President or the Chairman for the time being shall give his casting vote in addition to the vote lawfully given by him as one of the Directors. Appointment of President, Vice-President, and other officers.
Quorum of Board.

13. The Directors of the said Company for the time being may appoint such agents of the said Company in England or elsewhere, and may delegate to such agents such powers as to the Directors shall seem fit; and may make such rules and regulations as to the issuing and transfer of shares in England or elsewhere, and as to the mode, time, place and place of the transfer of such shares from time to time, and as to the mode, time and place of paying the dividends to accrue on such shares, and otherwise as shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in the Directors in respect of issuing such shares in England or elsewhere. Appointment of agents.

Chief place of business.

16. The chief place of business of the said Company shall be at the City of Ottawa; but the same may be changed at any future time, by a resolution of the shareholders, at a special general meeting convened in accordance with the requirements of this Act.

Board may make by-laws, &c.

17. The Board of Directors may, from time to time, make, alter, amend or repeal such regulations and by-laws as may be necessary for the management of the affairs of the Company generally.

Calls on stock.

18. The Directors may make calls on the said capital stock at such times and in such proportions as they may deem proper; and may sue for and recover all such calls, or may at their option forfeit the stock for non-payment thereof as may be provided for by the by-laws: notice of the times and places for the payment of such calls shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette* and in such other newspapers published in Canada or the United Kingdom as the Directors may think proper.

Notice.

Annual dividends and statements.

19. It shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them, shall seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Company; and such statements shall appear on the books, and be open for the perusal of any stockholder upon request at least one month before the annual meeting of the said Company.

Liability of stockholders limited.

20. No stockholder in the said Company shall be, in any manner whatsoever, liable for or charged with the payment of any debt or demand due by the said Company, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Company.

Transfer of shares.

21. All and every the shares in the capital stock of the said corporation and all profits and advantages thereof shall be deemed to be personal estate, and shall be transferable and transmissible as such: Provided always that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; and provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said corporation.

Proviso.

Order of transmission of despatches.

22. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all despatches in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundred dollars,—to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the by-laws of the Company:

Penalty for contravention.

23. Provided that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime and Government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada, or by the Secretary of State for the Colonies on behalf of the Imperial Government. Preferential despatches.

24. Any operator of the said telegraph line or person employed by the said telegraph Company divulging the contents of a private despatch shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the court before which the conviction shall be had. Misdemeanor to divulge contents of despatches.

25. Any person who shall wilfully or maliciously injure, molest or destroy any of the lines, posts, piers or abutments of the Company, or the material or property belonging thereto, or in any way obstruct the working of the said line of telegraph, shall, on conviction thereof, be deemed guilty of misdemeanor, and be liable to be punished in the manner provided by law for such offences. Misdemeanor to injure property of Company.

26. The works of the Company shall be commenced within three years, and completed within six years from the passing of this Act; otherwise this Act shall be null and void. Limitation of time for completing works.

CHAP. 97.

An Act to incorporate the Dominion Fire and Marine Insurance Company.

[Assented to 23rd May, 1873.]

WHEREAS Edward Browne, Anthony Copp, John Harvey, Edward Martin, Alexander Harvey, C. R. Murray, A. McInnes, Dennis Moore, W. G. Stark, Adam Brown, A. T. Wood, Alexander Murray, W. E. Sanford and others have, by their petition, represented that the establishment of an association for the insurance of fire and inland marine risks would be greatly beneficial, and have prayed for an act of incorporation for the purpose of carrying on a business of that nature under the name of the Dominion Fire and Marine Insurance Company; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The persons hereinbefore mentioned, and all such persons as now are or hereafter shall become shareholders of the said Com- Certain persons incorporated.

Corporate
name.

pany shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of the Dominion Fire and Marine Insurance Company, for effecting insurance against fire and inland marine risks.

Capital stock
and shares.

2. The capital stock of the said Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each; which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

Provisional
Directors.

Stock books
may be
opened.

Deposit on
account of
shares

3. For the purpose of organizing the said Company, A. McInnes, Edward Browne, Anthony Copp, John Harvey, C. R. Murray, Edward Martin and Alexander Harvey shall be Provisional Directors thereof; and they or a majority of them may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the City of Hamilton,—upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company; and such books shall be opened in the City of Hamilton and elsewhere, at the discretion of the said Provisional Directors, and shall remain open as long as they deem it necessary; and the Provisional Directors are hereby authorized to receive from the shareholders a deposit of five per cent. on the amount of their stock subscribed by them respectively.

First general
meeting of
shareholders.

4. When and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and five per cent. of the amount so subscribed paid in, the said Provisional Directors shall call a general meeting of shareholders at some place to be named in the City of Hamilton,—giving at least ten days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city; at which meeting the shareholders present in person or by proxy shall elect seven Directors in the manner and qualified as herein-after provided, who shall constitute a Board of Directors, and hold office for one year after their election.

Payment of
instalments on
shares.

Previso : as
to commencing
business.

5. The shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; no such instalment shall exceed ten per cent. of which call thirty days' notice shall be given; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and they are respectively indemnified for paying the same: Provided always that it shall not be lawful for the said Company to commence business until a sum of not less than fifty thousand dollars shall have been actually paid in on account of the subscribed stock.

Annual general
meeting.

6. The stock, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, and

om shall be chosen President and one Vice-President, who shall hold office for one year,—which Directors shall be shareholders residing in Canada, and be elected (after the expiry of the year in which the Board to be elected under the provisions of the fourth section shall hold office) at the annual general meeting of shareholders to be holden at Hamilton on the anniversary of the last election of Directors, and on the same or such other day in the following year as may be appointed by by-law,—not less than ten days' notice of such meeting being given, as provided in section four; the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot; and the seven persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than seven shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors (as soon as may be after the said election) shall proceed in like manner to elect by ballot one of their number to be the President and one to be the Vice-President; but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada his office shall be considered as vacant; and if any vacancy should, at any time, happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or the majority of them electing in their place or places a shareholder or shareholders eligible for such office: Provided always that no person shall be eligible to be continued as Director unless he shall hold in his name and for his own use stock in the said Company to the amount of forty shares, whereof, after the first election of Directors, at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the Company.

Election of directors.

Who may vote.
Proxies.
Ballot.

Case of equality of votes.

President and Vice-President.

Vacancies, how filled.

Qualification of directors.

7. In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated; directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Provision in case of failure to hold election.

8. At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, on which all calls then due have been paid up; such votes may

Voting at general meetings.

Proviso.

be given either in person or by proxy,—the holder of any such proxy being himself a shareholder ; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the chairman presiding at such meeting having the casting vote in case of an equality of votes : Provided that no clerk or other employee of the said Company shall vote either in person or by proxy at the election of Directors.

Business of the Company.

Policies to be under seal ; and by whom signed.

Chief place of business.

9. The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times and for such premiums or considerations and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance ; and also to make and effect contracts of insurance with any person or persons, body politic or corporate against loss or damage of or to lake-going ships, boats, vessels, steamboats or other craft, or on any ships, boats, vessels, steamboats or other craft, navigating the River St. Lawrence from Quebec upwards or lakes or any other inland navigable waters whatsoever, from any inland port or ports in Canada to any other inland port or ports in Canada, or to any inland foreign port or ports, upon the lakes, rivers or other inland navigable waters aforesaid, or from one inland foreign port through inland navigable waters to another inland foreign port, or from any inland foreign port or ports, through inland navigable waters, to any inland port or ports in Canada or elsewhere, upon all or any of the lakes, rivers and inland navigable waters aforesaid ; and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof ; or of or to timber or other property of any description conveyed in any manner upon all or any of the said lakes, rivers and inland navigable waters aforesaid, or on any railway, or stored in any warehouse or railway station ; and generally to do all matters and things relating to or connected with inland marine insurances on all or any of the lakes, rivers and inland navigable waters aforesaid, and to make and grant policies therein and thereupon ; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business ; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects : and all policies or contracts of insurance issued or entered into by the said Company shall be under the seal of the said Company, and shall be signed by the President or Vice-President, and countersigned by the Managing Director or Secretary (or otherwise, as may be directed by the by-laws, rules and regulations of the Company, in case of the absence of any of the said parties), and being so sealed, signed and countersigned, shall be deemed valid and binding upon them according to the tenor and meaning thereof ; and the chief place of business of the Company shall be in the City of Hamilton.

o insurance shall be effected by them in any Province other than the Province of Ontario until the Company shall have established an office in such other Province, with a local agent ; in that case service of process in such other Province may be made at such local office, or upon such local agent personally.

Local agencies.

1. It shall be lawful for the Dominion Fire and Marine Insurance Company to appoint, under the corporate seal of the Company, resident agents at any port or place within the Dominion of Canada or elsewhere, for the purpose of effecting, at ports or places, inland marine insurance upon ships, freights and cargoes, and insurances against losses by fire on buildings and property, real and personal, subject to such conditions, regulations and provisos as the said Company shall, from time to time, establish and impose.

Appointment of agents.

2. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the laws ; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always that, in case the money realized by the sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of money shall be paid on demand to the owner; and no more shares shall be sold than what shall be deemed necessary to pay the arrears, interest and expenses.

Forfeiture of shares for non-payment of calls.

Proviso.

3. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid and the forfeiture thereof ; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the Company to prove that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in respect of such amount to, for such and so many shares, whereby an action has accrued to the Company by virtue of this Act ; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act ; and it shall not be necessary to prove the appointment of the Directors to make such calls, or any other matter whatsoever other than what is before mentioned ; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or Vice-President or the Manager or Secretary of the Company, and sealed with the corporate seal, shall be received in all Courts of law and equity as *prima facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer making the same or of the corporate seal.

Calls may be paid after forfeiture.

Suits for recovery of calls ; and what only need be alleged and proved therein.

Meetings of directors.

13. At all meetings of Directors three shall be a quorum for the transaction of business ; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director.

Business to be transacted at annual meetings.

Special general meetings.

Who shall preside.

14. At the annual meeting of the shareholders the election of Directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting ; and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders. Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws ; and at all meetings of the shareholders the President or, in his absence, the Vice-President or, in the absence of both of them, a Director chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder.

Power of directors to make by-laws for certain purposes.

Proviso ; by-laws to be submitted for approval of shareholders.

15. The Directors shall have full power and authority to make, and, from time to time, to alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the Company, the management and disposition of its stock, property, estate and effects ; the calling of special general meetings ; the regulation of the meetings of the Board of Directors ; the increasing the number of Directors ; the appointment of a Managing Director, and of sub-boards to facilitate the details of business, and the definition of the duties and powers of such sub-boards ; the making of calls upon the subscribed capital ; the issue and allotment of shares ; the appointment and removal of officers and agents of the Company, the regulation of the powers and duties, and the salaries to be paid to them ; the regulation of the transfer of stock and the form thereof ; the compensation of Directors ; and the establishment and regulation of agencies : Provided always that all such by-laws, rules, regulations and ordinances made by the Directors as aforesaid, shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and shall thereafter have force and effect as so approved or modified at such meeting ; and provided further that such by-laws do not contravene the provisions of this Act.

Power to hold real estate, and for what purposes.

16. The Company shall have power to acquire and hold real estate for the purpose of its business within the Dominion of Canada of an annual value not exceeding ten thousand dollars, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient ; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bond fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall

shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years: and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign state or states (such investments in the securities of foreign states not to exceed fifty per cent. of the paid up capital stock of the Company) or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate; and may, from time to time, vary or sell the said securities or mortgage or pledge the same from time to time as occasion may require.

17. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may, from time to time, be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

18. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further; and the shares shall be deemed personal estate.

19. Suits may be prosecuted or maintained by or against any shareholder by or against the Company; and no shareholder shall be incompetent as a witness in any proceeding by or against the Company.

20. The Directors of the Company at a meeting held for such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends; and also may, by resolution, order that the holders of policies or other instruments shall be paid such portion of the actual realized profits, in such proportions, at such times and in such manner as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company.

21. Any suit cognizable in any division or local court upon or for any premium note given for any marine or fire insurance may be entered and tried and determined in the Court for the division wherein the head office or any agency of the Company is situate.

This Act and the Company to be subject to general Insurance Acts.

22. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled "*An Act respecting Insurance Companies*," as amended by the Act thirty-fourth Victoria, chapter nine, and to such other legislation on the subject of insurance as may, from time, to time be passed.

CHAP. 98.

An Act to incorporate the Insurance Company of Canada.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the Hon. Sir Francis Hincks, Theodore Hart, Henry Judah, Andrew Allan and Hector McKenzie have, by their petition, prayed for the incorporation of a Company to carry on the business of marine, inland navigation and transportation and fire insurance; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation and corporate name.

1. There shall be established in the City of Montreal, an Insurance Company for marine, inland navigation and transportation and fire risks, to be called "*The Insurance Company of Canada*."

Insurance powers.

2. The said Corporation shall have power,—

Marine risks.

(1.) To make marine insurance upon vessels, freights, goods, wares and merchandise, specie, bullion, commission profits, bank-notes, bills of exchange and other evidences of debt, bottomry and respondentia interests, and to make all and every insurance appertaining to or connected with marine or inland transportation risks;

Fire risks.

(2.) To make insurance on dwelling houses, stores and other buildings, household furniture, merchandise and other property against loss or damage by fire; and

Re-insurance.

(3.) To cause itself to be re-insured against any risk upon which it has made or shall make insurance.

Board of Trustees and officers.

3. The corporate powers of the said Company shall be exercised by a Board of Trustees, and such officers and agents as the said Board may appoint. The Board of Trustees shall consist of sixteen persons, all of whom must be inhabitants of the District of Montreal.

Montreal ; they shall elect from among themselves a President and a Vice-President, and an executive committee of so many as they may deem expedient, annually, who shall hold their offices until others are elected in their stead ; and the said Board of Trustees shall have power to declare by a by-law, what number of Trustees, less than a majority of the whole Board, shall be a quorum for the transaction of business ; and shall also have the power, from time to time, to regulate, subject to the approval of the voters at the ensuing annual meeting, the number of Trustees, within the limits above stated, who shall hold office subsequent to such regulations.

4 The Trustees of the said corporation shall at their first meeting divide themselves by lot into four classes of four each. The term of the first class shall expire at the end of one year ; the term of the second class shall expire at the end of two years ; the term of the third class shall expire at the end of three years ; and the term of the fourth class shall expire at the end of four years. After the first election, four Trustees shall be elected annually, for a term of four years ; and all vacancies in the Board of Trustees occasioned by death, resignation or removal from the District of Montreal, shall be filled by a choice to be made by the said Board of Trustees, by a plurality of votes. Trustees whose term has expired shall continue in office until others are elected in their stead, and Trustees going out shall be eligible as new Trustees. Any such Trustee shall have the right to vote at any meeting of Trustees by proxy, through the ministry of any other Trustee having the right to vote at such meeting. In the event of agencies being established the Board of Trustees may appoint, from their number or other members of the Company, local boards of not less than three members for any such agency, and with such powers and privileges as regards such local agency not exceeding those of the general Trustees, as such general Trustees may determine ; and such general and local Trustees respectively shall receive such remuneration for their services as shall, from time to time, be established by any by-law approved by a majority of votes of the members of the corporation.

5. The Hon. Sir Francis Hincks, Theodore Hart, Henry Judah, Andrew Allan and Hector McKenzie, all of the City of Montreal, are appointed Commissioners for the organization of the Company, who shall have the power, from time to time, till the complete organization of the Company, to associate with themselves, as additional Commissioners, such persons as they may decide upon. It shall be their duty, within two years from the passing of this Act, to open books to receive applications for insurance to be effected by the said Company, and, as soon as applications amounting to one hundred thousand dollars shall be received, to give notice to the persons who have made such applications, of a meeting for the election of sixteen Trustees and of three Scrutineers for the next election. Every person having so made application for insurance shall be entitled to vote at the said election, and shall be eligible as a Trustee or Scrutineer ; and there shall be one vote allowed to every such person for every five thousand dollars of insurance so applied for.

Quorum.

Term of office of Trustees.

Vacancies, how filled.

Local Trustees.

Commissioners for organizing Company.

First election of Trustees.

Votes.

Insurers shall be members.

Right of
voting.

Insurers to pay
premium on
insuring which
shall not be
withdrawn.

Members of
Company not
personally
liable.

Elections after
the first.
Notice.

Yearly nett
profits to be
ascertained.

And each
member credit-
ed with his
proportion
thereof.

Certificate of
such propor-
tion, and its
contents.

6. Every person and every firm having taken a policy during the preceding year, and every person and firm holding a certificate of the Company not discharged by payment of losses shall be a member of the said corporation, and entitled to one vote at all elections for every five thousand dollars of insurance for which he has taken such policy, and for every one hundred dollars for which he holds such certificate; and shall be eligible as Trustee and Scrutineer. Individual members shall vote either in person or by proxy; and firms shall be represented and vote by one of the members thereof or by the proxy of the firm. Every person or firm who shall become a member of the said corporation by effecting insurance therein shall, the first time he or it effects insurance and before receiving the policy, pay the rates that shall be fixed upon and determined by the Trustees; and no premium so paid shall ever be withdrawn from the said Company, but shall be liable to all the losses and expenses incurred by the said Company during the continuance of its charter, except upon special resolution of the Trustees. No member of the said corporation shall be personally responsible for the liabilities of the said Company.

7. After the first election annual elections shall be held for the election of four Trustees and of three Scrutineers to hold the next election. Notice of the time and place of holding every election shall be given, for two weeks preceding such election, in two public newspapers, printed in the City of Montreal,—the one in the English and the other in the French language.

8. The officers of the said Company shall, within one month after the expiration of one year from the day on which they shall have issued their first policy, and within the first month of every subsequent year, cause an estimate to be made, as near as may be of the profits of the said Company during the preceding year,—which estimate the losses and expenses of the said Company for the year shall be deducted from the earnings of the said Company during the same year, arising as well from premiums as from the income derived from the investments; and the balance, (if any) shall be deemed the amount of the net profits for such preceding year,—which estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned. The said officers shall thereupon credit on the books of the said Company each person or firm who shall have paid any premium to the said Company during the preceding year, with such proportion of the said balance, (exclusive of fractional parts of ten dollars as hereinafter mentioned,) as the amount of earned premiums paid by such person or firm during such year and not returned shall bear to the whole amount of earned premiums received by the said Company during the said year,—less returned premiums; and they shall give to such person or firm a certificate declaring him or it to be entitled to a portion of the invested funds of the said Company equal to the amount so credited to him or it, and also to the receipt annually, out of the interest or income derived by the said Company from the investments of the said profits, of an interest not ex-

ing six per centum per annum; and such interest shall be a part of the expenses of the Company; but the said certificate shall contain a proviso that the amount named therein is liable for any future losses by the Company. No person or firm shall be credited with, or receive a certificate for a share of profits less than ten dollars; and if such share shall exceed ten dollars, so much shall be deducted therefrom as will make it equal to the largest multiple of ten dollars contained therein; and all shares less than ten dollars, and the excess of the other shares over multiples of ten dollars, shall be passed to the contingent fund of the Company, and applied to the expenses and other charges of the subsequent year.

Proviso
therein.

As to portion
less than ten
dollars.

9. In case any person or firm entitled to a certificate shall be indebted to the Company for sums past due and unpaid, the Company may withhold the certificate, and either deduct such indebtedness from the amount thereof and reduce the certificate, or cancel the same, as the case may require.

Members in-
debted to the
Company.

10. It shall be lawful for the said Company to invest its funds or any part thereof in Dominion or Provincial stock or debentures, or in municipal debentures, and in the stock of chartered banks, or stock or debentures of incorporated companies; and to loan the same upon the security of such stocks and debentures worth at least ten per centum more than the sum loaned thereon, or on hypothec or mortgage on real estate in the Dominion of Canada worth fifty per centum more than the sum charged thereon.

Investment of
funds.

11. The said Company shall have the right to acquire and hold real estate in the City of Montreal to the value of one hundred thousand dollars, in which it shall provide itself with the offices necessary for the prosecution of its business; and the said Company, in addition to the above mentioned real estate, may purchase and hold all real estate which it may require for offices or the purposes of its specific business wherever it may establish agencies, and also such other real estate on which it holds mortgages or hypothecs, which may be brought to forced sale; or it may take any real estate, with the approval of the majority of the Board of trustees, in payment of any debt due to it in the course of its legitimate business; but the said Company shall sell such real estate, either so purchased or so taken in payment and not required for offices or purposes of its specific business, within ten years after the same shall have been acquired; and the said Company shall not at any one time hold such real estate to an extent exceeding in value, in the aggregate, the sum of one hundred thousand dollars.

Real estate
for use of
Company.

Power to hold
other real
estate in cer-
tain cases.

Limitation.

12. Interest not exceeding six per cent shall be paid annually out of the income or interest derived by the said Company from the investment of its profits to the holders of outstanding certificates of profits; and whenever the accumulation of the net profits of the Company shall exceed five hundred thousand dollars, the excess or part thereof as may seem fit to the majority of the Board of trustees may be applied and employed in redemption of outstand-

Interest on
certificates of
shares of
profits.

Redemption
of Certificates.

Order of redemption of certificates.

ing certificates of profits, in whole or in part ; but the certificates of a subsequent year shall not be redeemed until all those of preceding years are provided for, or in the event of such accumulation, a distinction may be established, in the subsequent balance profits of the Company for any year, between such as are derived from earned premiums (not returned) in any such year and such as are derived from the existing investments of the Company ; and the certificates of profits to be issued for such year, as hereinbefore provided, shall only be issued to the extent of the former class of such profits, and the amount of the latter class may be applied to the payment of interest on existing certificates to the extent to which the same will go, even though the amount of such interest shall exceed six per cent.

Reduction of certificates in case of loss.

13. In case that the expenses and the losses of any year should exceed the receipts thereof the officers of the Company shall declare a *pro rata* reduction of the amount of the outstanding certificates of profits, and shall debit the holders thereof on the books of the Company with their respective portion of such deduction, and the outstanding certificates shall thereupon be called in and new ones issued in their stead,—less the proper reduction.

Certificates to be personalty, and transferable.

14. All certificates of profits and interest in the Company shall be deemed personal property ; and may be transferred by endorsement in full,—subject however to such regulations respecting the noting thereof as may be determined by the Board of Trustees.

Suits between members and the Company.

15. Suits at law or in equity may be prosecuted and maintained by any member of the corporation against the same ; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in it or in any suit by or against the corporation.

Yearly statement of affairs and what it shall show.

16. On some day in the first month after the expiration of the first year from the time when the said Company shall issue its first policy, and within the first month of every subsequent year, the officers of the said Company shall cause to be made and printed a general balance statement of the affairs of the said Company which shall contain,—

(a.) The amount of premiums received during the previous year, and specifying what amount was received on fire risks, what on marine risks, and what on inland transportation and navigation risks ;

(b.) The amount of the expenses of the said Company during the year ; and the amount paid for interest and in redemption of outstanding certificates of profits ;

(c.) The amount of losses incurred during the year,—specifying what amount of losses have been incurred by fire risks, what on marine risks, and what on inland transportation and navigation risks ;

the balance remaining with the said Company ;

the amount of the accumulation of net profits, and the security in which the same is invested, specifying what amount is invested in real estate in the City of Montreal ; what real estate out of the City of Montreal ; what on mortgage ; what in stocks and debentures ; and what amount on hand.

The above mentioned general balance statement shall be published for one week in the *Canada Gazette* and in two newspapers printed in the City of Montreal,—the one in the English and the other in the French language ; printed copy shall be delivered to each member on re-

Publication of statement.

provided always that with a view to afford due security to policy holders, until the accumulation of profits have reached a reserve fund of one hundred thousand dollars, the Board of Directors shall, before the Company shall commence the business of any kind, raise a "Guarantee Fund" of one hundred thousand dollars, which may be invested in the manner provided for the investment of deposits of Insurance Companies, as by the second section of the Act intituled "*An Act to amend the Act respecting Insurance Companies*," passed in the fourth year of Her Majesty's reign by the Parliament of Canada, and shall be liable for the payment of losses ; and no policy shall be issued, or if issued shall be valid, until such guarantee fund shall have been so raised and invested : the said Guarantee Fund shall be raised by subscription in shares of one thousand dollars each, numbered consecutively, and shall be paid in such instalments as the Board of Trustees may resolve ; and each year the amount of the said Guarantee Fund, after the same have been apportioned as herein provided, shall be applied in repayment of the said Guarantee Fund, repaying each year such number of shares as the amount will allow, to be chosen by lot, and passing any balance less than a share to the contingent fund. The subscribers to the said guarantee fund shall be entitled to interest at the rate of five per centum per annum ; and certificates shall be issued for their respective shares. The shares shall be transferable, and every holder thereof shall be a member of the Company, and shall have one vote for each share held ; and should such person not be a member as the holder of a policy or a certificate of deposit, he shall be entitled to such vote or votes for shares in the said fund in addition to his vote as an ordinary member. If the said guarantee fund be wholly refunded, at least four of the subscribers shall be taken from the holders of the shares thereof ; and two of the subscribers and two of the members of the executive committee shall be elected from the Trustees who are the holders of such

Guarantee Fund, how raised and invested.

Repayment thereof.

Interest to subscribers.

Shares therein and rights of shareholders. Votes.

Shareholders thereof to be represented by Trustees.

CHAP. 99.

An Act to incorporate the Royal Canadian Insurance Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the Hon. John Young, Louis Alphonse Boyer, Thomas Caverhill, Benjamin Lyman, Jacques Felix Sincennes, Andrew Robertson, James Crathern, William Workman, Joseph Rozaire Thibaudeau, John Duncan, Edward R. Greene, John Adams Perkins, Alfred Perry, Joseph Barsalou, Edward Goff Penny, Jonathan Hodgson, R. Jos. Reekie, John Grant, Henry Bulmer, William McNaughton, James Benny, Henry Lyman, James Donnelly, Samuel H. May, James Coristine, James Popham, William Rodden, Walter Macfarlane, William O'Brien, Andrew Wilson, Henry Mulholland, Alexander Buntin and Thomas Tiffin, all of the City and District of Montreal, Esquires, have petitioned for an Act to incorporate them and others under the style and title of "The Royal Canadian Insurance Company," to enable parties, owners of or interested in property, to insure the same against loss by fire, and also to enable them to carry on the business of fire, marine and inland navigation insurance; and whereas it has been considered that the establishment of such an association would be greatly beneficial to the interests of the Dominion and tend to the retaining therein a large portion of the moneys annually sent away as premiums for such insurance: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Corporate name and general powers.

1. The said persons and all other person and persons, body and bodies politic as shall from time to time be possessed of any share or shares of the stock of the Company are hereby constituted and shall be one body politic and corporate by the name of "The Royal Canadian Insurance Company;" and by that name shall have perpetual succession and a common seal, with power to break and alter such seal; and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Stock and shares of the Company.

Proviso: increase of capital stock.

2. The capital stock of the said Company shall be four millions of dollars, divided into forty thousand shares of one hundred dollars each; and books of subscription shall be opened in the principal cities and towns of the Dominion at the same time,—of which public notice shall be given by such person or persons, and under such regulations as the majority of the Directors hereinafter appointed shall direct: Provided always, that it shall and may be lawful for the said corporation to increase its capital stock, from time to time, to a sum not exceeding five millions of dollars, or such portion thereof as a majority of the stockholders, at a meeting to be especially convened for that purpose, shall agree upon.

Subscription of shares and

3. It shall be lawful for any person or persons or body politic to subscribe for such and so many shares as he, she or they may

think fit ; and five per cent. shall be paid at the time of subscription, and five per cent. shall be paid in three months thereafter, to be called for by the Directors ; and the remainder shall be payable in such instalments as a majority of the Directors may determine upon, not to exceed five per cent. per call, and at periods of not less than three months interval : Provided always that no instalment shall be called for nor be payable in less than thirty days after public notice shall have been given in two newspapers published in the City of Montreal (one in the English language and the other in the French language) and in the *Canada Gazette*, and by circular, addressed to each stockholder at his, her or their last known residence. If any stockholder or stockholders as aforesaid shall refuse or neglect to pay to the said Directors the instalment due upon any share or shares held by him, her or them at the time required so to do, such stockholder or stockholders as aforesaid shall forfeit such share or shares as aforesaid, together with the amount previously held thereon ; and such forfeited share or shares may be sold at a public sale by the said Directors, after such notice as they may direct ; and the moneys arising therefrom shall be applied for the purposes of this Act : Provided always that, in case the money produced by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus money shall be paid on demand to the owner ; and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses.

Payment of calls.

Notice of calls.

Forfeiture of shares for non-payment.

Provide.

4. The Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire on any houses, stores or other buildings whatsoever, and on any shipping or vessels whatsoever, wheresoever or whithersoever proceeding, against loss or damage by fire, water or any other risk whatever ; and in like manner on any goods, chattels or personal estate whatever, whether on shore or afloat, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business ; and generally to do and perform all the necessary matters and things connected with and proper to promote those objects.

Company may make contracts of insurance.

And effect re-insurance.

5. It shall be lawful for the Company to purchase and hold for the purpose of investing therein any part of the funds or money thereof, any of the public securities of the Dominion, the bonds and debentures of any incorporated city or town or municipal corporation ; and also to sell and transfer the same, and again to renew such investment when and as often as a due regard to the interests of the Company shall require ; and also to make loans of the funds on bond and mortgage, at any legal rate of interest, with power to receive the same in advance, and the same investments to call in and re-loan as occasion may require.

Investment of funds.

6. The property, affairs and concerns of the said Company shall be managed and conducted by a Board of nine Directors, one of whom shall be chosen President and one Vice-President ; which Board,

First Board of Directors.

Board,

Board, in the first instance, and until replaced by others, shall consist of the Honorable John Young, Louis Alphonse Boyer, Thomas Caverhill, Joseph Rozaire Thibaudeau, Andrew Robertson, Jacques Felix Sincennes, John Duncan, Alfred Perry and John Adams Perkins, all of the City of Montreal.

Head office
and branches.

7. The principal office of the Company shall be in the City of Montreal, in the Province of Quebec, but the Company may establish agencies or branch offices in any part of Canada; and the said Company shall have the right to acquire and hold real estate in the City of Montreal, not to exceed in value the sum of one hundred thousand dollars, in which it shall provide itself with the offices necessary for the prosecution of its business.

First general
meeting of
shareholders.

8. When and so soon as five hundred thousand dollars of the capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid in the said Provisional Directors may call a general meeting of the shareholders, at some place to be named, in the City of Montreal,—giving at least twenty days' notice thereof in the *Canada Gazette*, and also in some daily newspaper published in the said city; at which general meeting the shareholders present in person or by proxy shall elect nine Directors in the manner and qualified as hereinafter provided, who shall constitute a Board of Directors, and shall hold office until the annual general meeting in the year following their election.

Notice.

Election of
Directors.

Participation
in profits by
policy-holders.

9. It shall be lawful for the Directors to return to the holders of the policies or other instruments such part or parts of the actual realized profits of the Company, in such parts, shares and proportions, and at such times and in such manner as the said Directors may deem advisable; and to enter into obligations so to do either by endorsements on the policies or otherwise: Provided always that such holders of policies or other instruments shall not be held to be in anywise answerable for the debts or losses of the Company, beyond the amount of the premium or premiums which may have been actually paid up by him, her or them.

Proviso.

Transmission
of shares;
proof required
in certain
cases.

Transmission
by marriage of
female
shareholder.

10. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities and generally in such manner as the Directors shall, from time to time, require or, by any by-law, may direct; and, in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share transmitted is the sole property and under the sole control of the wife, and that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written

to that effect to the Company; and the omission of a statement in any such declaration that the wife making the same is authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal,—any law to the contrary notwithstanding.

As to authorization of wife.

1. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share of stock, it shall be lawful for the Company to make and file in the Superior Court at Montreal a declaration and petition in writing addressed to the said court, or to one judge thereof, setting forth the facts and praying for an order or judgment adjudicating or awarding the said share to the party or parties legally entitled to the same,—and by which order or judgment the Company shall be held and held fully harmless and indemnified and released from and every other claim for the said share, or arising therefrom: provided always that notice of such petition shall be given to the party claiming such share, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court: Provided also that, unless ordered by the said court or judge otherwise orders, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong: and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any person contesting his right.

Proceedings in case of doubt as to title to such share.

Proviso.

Proviso.

2. Any person, who, as Secretary, clerk or other officer of the Company shall be guilty of any designed fraud or falsehood in any matter or thing pertaining to his office or duty shall be guilty of a misdemeanor; and any person offering to vote in person at any meeting of Directors in the said Company who shall falsely perjure himself, or who shall falsely sign or affix the name of any other person, a member of the Company, to any appointment of any officer shall be guilty of a misdemeanor.

Fraud on part of officers of Company to be a misdemeanor. False personation to be a misdemeanor.

3. If any insurance shall be and subsist in the said Company, in any other office, or from and by another person or persons at the same time, the insurance made in and by the said Company shall be deemed and become void, unless such double insurance be with the consent of the Directors signified by endorsement on the policy, signed by the President, Secretary or otherwise, as required by the by-laws and regulations of the Company.

Case of double insurance.

4. In all actions, suits and prosecutions, in which the said Company may be at any time engaged, any officer or stockholder of the said Company shall be a competent witness, notwithstanding any interest he may have therein.

Officers or stockholders competent as witnesses.

5. During the hours of business, every stockholder of the said Company shall have power to ask and receive from the President, Secretary

Names of stockholders.

Secretary or other officer the names of all the stockholders of the said corporation.

Returns to
Parliament.

16. The said Company shall, when required so to do, by either of the branches of the legislature, present a return under oath of the amount of real estate held by the said corporation, the amount of capital stock subscribed and paid up, with a list of the shareholders and the stock subscribed by each, and the names of the Directors,—together with a statement of the amount of risks paid during the past year, the amount of risks for which the Company is liable under each class, the amount to be paid the stockholders in dividends and bonuses and the amount of money in hand at the time of making the return.

General Act
to apply.
22-33 V., c. 12.

Proviso.

17. Notwithstanding any thing contained in "*The Canada Joint Stock Companies Clauses Act*, 1869," or in any other law, the said Act shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act: Provided always, that the words "or insurance" in the third section of the said cited Act, and sections eighteen, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty-two, thirty-nine and forty of the said cited Act shall not be incorporated with this Act.

CHAP. 100.

An Act to incorporate the Canada Mutual Marine Insurance Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS James Domville, Esquire, Hon. William Muirhead Senator, Hon. A. J. Smith, M.P., Robert Marshall and George McKean, Esquires, all of the City of Saint John, New Brunswick; John Crawford, Esquire, M.P., of the City of Toronto, Ontario; and Adolphe P. Caron, Esquire, M.P., of the City of Quebec, have, by their petition, prayed for the incorporation of a company to carry on the business of marine, inland navigation and transportation insurance; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation
and corporate
name.

1. There shall be established in the City of Saint John, in the Province of New Brunswick, an insurance company for marine, inland navigation and transportation risks, to be called the "*Canada Mutual Marine Insurance Company*," with power to establish agencies at any place in the Dominion of Canada, and elsewhere.

Insurance
powers.

2. The said corporation shall have power—

(1.) To make marine insurance upon vessels, freights, goods **Marine risks.**
 ares and merchandise, specie, bullion, commission profits, bank-
 tes, bills of exchange and other evidences of debt, bottomry and
 spondentia interests, and to make all and every insurance ap-
 rtaining to or connected with marine or inland transportation
 ks;

(2.) To cause itself to be re-insured against any risk upon which **Re-insurance.**
 has made or shall make insurance.

3. The corporate powers of the said Company shall be exercised **Board of**
 y a Board of Trustees, and such officers and agents as the said **Trustees and**
 oard may appoint. The Board of Trustees shall consist of not **officers.**
 as than sixteen persons nor more than twenty-four, all of whom
 ust be residents of the Dominion. They shall elect from among **President and**
 hemselfes a President and Vice-President, with an Executive **officers.**
 ommittee of so many as they may judge expedient, annually,
 ho shall hold their offices until others are elected in their stead;
 nd the said Board of Trustees shall have power to declare by by- **Quorum.**
 aw what number of Trustees less than a majority of the whole
 board shall be a quorum for the transaction of business; and shall **Number of**
 lso have the power, from time to time, to regulate, subject to the **Trustees.**
 pproval of the voters at the ensuing annual meeting, the number
 f Trustees within the limits above stated who shall hold office
 bject to such regulations.

4. The Trustees of the said corporation shall at their first meet- **Term of office**
 ng divide themselves by lot into four classes of equal number, as **of Trustees.**
 early as may be. The term of the first class shall expire at the
 nd of one year; the term of the second class shall expire at the
 nd of two years; the term of the third class shall expire at the
 nd of three years; and the term of the fourth class shall expire
 at the end of four years. After the first election, as many Trustees
 shall be elected annually, for the term of four years, as may be
 necessary to replace the outgoing Trustees; and all vacancies in **Vacancies,**
 the Board of Trustees occasioned by death, resignation or removal **how to be**
 from the Dominion of Canada shall be filled by a choice to be **filled.**
 made by the said Board of Trustees, by a plurality of votes.
 Trustees whose term has expired shall continue in office until
 others are elected in their stead, and Trustees going out shall be
 eligible as new Trustees. Any such Trustee shall have the right
 to vote at any meeting of Trustees by proxy,—through the ministry
 of any other Trustee having the right to vote at such meeting.
 In the event of agencies being established the Board of Trustees **Agencies and**
 may appoint, from their number or other members of the Company, **local boards.**
 local boards of not less than three members for any such agency,
 and with such powers and privileges as regards such local agency,
 not exceeding those of the general Trustees, as such general
 Trustees may determine; and such general and local Trustees
 respectively shall receive such remuneration for their services as
 may, from time to time, be established by any by-law approved by
 a majority of votes of the members of the corporation.

Commission-
ers for organ-
izing Com-
pany.

First election
of Trustees.

Insurers to be
members.

Votes.

Voters and
voting.

Insurers to
pay rates on
insuring which
shall not be
withdrawn.

Liability of
members
limited.

Annual elec-
tions to be
held.

Yearly nett
profits to be
ascertained.

5. The said James Domville, Hon. William Muirhead, Hon. A. J. Smith, Robert Marshall, George McKean, John Crawford and Adolphe P. Caron are appointed Commissioners for the organization of the Company, who shall have the power from time to time, till the complete organization of the Company, to associate with themselves as additional Commissioners such persons as they may decide upon. It shall be their duty, within two years from the passing of this Act, to open books to receive applications for insurance to be effected by the said Company, and as soon as applications amounting to five hundred thousand dollars shall be received, to give notice to the persons who have made such applications of a meeting for the election of sixteen Trustees and of three Scrutineers for the next election. Every person having so made a *bond fide* application for insurance shall be entitled to vote at the said election, and shall be eligible as a Trustee or Scrutineer; and there shall be one vote allowed to every such person for every five thousand dollars of insurance so applied for.

6. Every person and every firm having taken a policy during the preceding year, and every person and firm holding a certificate of the Company not discharged by payment of losses, shall be a member of the said corporation and entitled to one vote at all elections for every five thousand dollars of insurance for which he has taken such policy and for every one hundred dollars for which he holds such certificate; and shall be eligible as a Trustee or Scrutineer. Individual members shall vote either in person or by proxy; and firms shall be represented and vote by one of the members thereof or by the proxy of the firm. Every person or firm who shall become a member of the said corporation by effecting insurance therein shall, the first time he or it effects insurance and before receiving the policy, pay the rates that shall be fixed upon and determined by the Trustees; and no premium so paid shall ever be withdrawn from the said Company, but shall be liable for all the losses and expenses incurred by the said Company during the continuance of its charter, except upon special resolution of the Trustees. No member of the said corporation shall be personally responsible for the liabilities of the said Company.

7. After the first election, annual elections shall be held for the election of so many Trustees as may be necessary to replace the outgoing Trustees, and of three Scrutineers to hold the next election. Notice of the time and place of holding every such election shall be given, for two weeks preceding such election, in the *Canada Gazette* and two public newspapers printed in the said City of Saint John.

8. The officers of the said Company shall, within one month after the expiration of one year from the day on which they shall have issued their first policy and within the first month of every subsequent year, cause an estimate to be made, as near as may be, of the profits of the said Company during the preceding year,—in which estimate the losses and expenses of the said Company for the year shall be deducted from the earnings of the said Company.

; the same year, arising as well from premiums as from the income derived from the investments; and the balance (if any) shall be deemed the amount of the net profits for such preceding year; such estimate shall be binding upon all persons entitled to receive certificates as hereinafter mentioned. The said officers shall thereupon credit on the books of the said Company, each person or firm who shall have paid any premium to the said Company during the preceding year, with such proportion of the said net balance (exclusive of fractional parts of ten dollars, as hereinafter mentioned) as the amount of earned premiums paid by such person or firm during such year (and not returned), shall bear to the whole amount of earned premiums received by the said Company during the said year,—less returned premiums; and they shall give to such person or firm a certificate declaring him or it to be entitled to a portion of the invested funds of the said Company equal to the amount so credited to him or it, and also to the receipt annually, out of the interest or income derived by the said company from the investments of the said profits, of interest on the amount of such certificate at a rate not exceeding six per centum per annum, and such interest shall be a part of the expenses of the Company; but the said certificate shall contain a proviso that the amount named therein is liable for any future expenses by the Company. No person or firm shall be credited with or receive a certificate for a share of profits less than ten dollars, and if such share shall exceed ten dollars so much shall be deducted therefrom as will make it equal to the largest multiple of ten dollars contained therein; and all shares less than ten dollars, and the excess of the other shares over multiples of ten dollars shall be passed to the contingent fund of the Company, and applied to the expenses and other charges of the subsequent year.

And each member credited with his proportion thereof.

Certificate of such proportion, and its contents.

As to portions less than ten dollars.

9. In case any person or firm entitled to a certificate shall be indebted to the Company for sums past due and unpaid, the Company may withhold the certificate, and either deduct such indebtedness from the amount thereof and reduce the certificate, or cancel the same, as the case may require.

Withholding certificates from debtors.

10. It shall be lawful for the said Company to invest its funds in any part thereof in Dominion or Provincial stock or debentures in Municipal debentures, and in the stock of chartered banks or the stock or debentures of incorporated companies; and to loan the same upon the security of such stocks or debentures, worth at least ten per centum more than the sum loaned thereon, or on hypothec or mortgage on real estate in the Dominion of Canada worth fifty per centum more than the sum charged thereon.

Investment of funds.

11. The said Company shall have the right to acquire and hold real estate in the said City of Saint John to the value of one hundred thousand dollars, in which it shall provide itself with the offices necessary for the prosecution of its business; and the said Company, in addition to the above-mentioned real estate, may purchase and hold all real estate which it may require for offices or the purposes of its specific business wherever it may establish agencies, and also such

Real estate for use of Company.

Power to hold other real estate in certain cases.

Limitation. such other real estate on which it holds mortgages or hypothecs, which may be brought to forced sale; or it may take any real estate, with the approval of the majority of the Board of Trustees, in payment of any debt due to it in the course of its legitimate business; but the said Company shall sell real estate so purchased at forced sale or taken in payment, and not required for offices for the purposes of its specific business, within ten years after the same shall have been acquired; and the said Company shall not, at any one time, hold such real estate not required for offices or the purposes of its specific business to an extent exceeding in value, in the aggregate, the sum of one hundred thousand dollars.

**Interest on
outstanding
certificates.**

**Redemption
of certificates
of shares of
profits.**

12. Interest not exceeding six per cent shall be paid annually out of the income or interest derived by the said Company from the investment of its profits, to the holders of outstanding certificates of profits, and, whenever the accumulation of the net profits of the Company shall exceed five hundred thousand dollars, the excess or such part thereof as may seem fit to the majority of the Board of Trustees may be applied and employed in redemption of outstanding certificates of profits in whole or in part; but the certificates of a subsequent year shall not be redeemed until those of the preceding years are provided for; or in the event of such accumulation, a distinction may be established in the subsequent balance profits of the Company for any year, between such as are derived from earned premiums (not returned) in any such year, and such as are derived from the existing investments of the Company; and the certificates of profits to be issued for such year, as hereinbefore provided, shall only be issued to the extent of the former class of such profits, and the amount of the latter class may be applied for the payment of interest on existing certificates to the extent to which the same will go, even though the amount of such interest shall exceed six per cent.

**Deduction on
certificates in
case of loss.**

13. In case that the expenses and the losses of any year should exceed the receipts thereof, the officers of the Company shall declare a *pro rata* deduction of the amount of the outstanding certificates of profits, and shall debit the holders thereof on the books of the Company with their respective portions of such deduction; and the outstanding certificates shall thereupon be called in and new ones issued in their stead, less the proper reduction.

**Certificates to
be personalty.
How trans-
ferred.**

14. All certificates of profits and interest in the Company shall be deemed personal property; and may be transferred by endorsement in full, subject however to such regulations respecting the noting thereof as may be determined by the Board of Trustees.

**Suits between
members and
the Company.**

15. Suits at law or in equity may be prosecuted and maintained by any member of the corporation against the same; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in it or in any suit by or against the corporation.

**Yearly state-
ment of
affairs, and**

16. On some day in the first month after the expiration of the first year from the time when the said Company shall issue its first

icy, and within the first month of every subsequent year, the ^{what it shall} ~~show~~ ^{show} cers of the said Company shall cause to be made and printed a ^{show} ~~show~~ ^{show} general-balance statement of the affairs of the said Company, which shall contain—

a) The amount of premiums received during the previous year, specifying what amount was received on marine risks, and at on inland transportation and navigation risks ;

b) The amount of the expenses of the said Company during year, and the amount paid for interest and in redemption of standing certificates of profits ;

c) The amount of losses incurred during the year, specifying at amount of losses have been incurred by marine risks, and at on inland transportation and navigation risks ;

d) The balance remaining with the said Company ;

e) The amount of the accumulation of net profits, and the ture of the security in which the same is invested,—specifying at amount is invested in real estate in the said City of Saint John, at in real estate out of the said City of Saint John, specifying ecially where, what on mortgage and hypothec, what in stocks d debentures, and what amount of cash on hand.

17. The above mentioned general balance statement shall be ^{Publication} ~~published~~ ^{of statement} ~~published~~ for one week in the *Canada Gazette* and in two public ^{of statement} ~~of statement~~ ^{of statement} newspapers printed in the said City of Saint John ; and a printed ^{of statement} ~~of statement~~ ^{of statement} copy shall be delivered to each member on request :

18. Provided always that, with a view to afford due security ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} the policy holders, until the accumulation of profits, have formed ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} reserve fund of one hundred thousand dollars, the Board of ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} trustees shall, before the Company shall commence the business of ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} insurance of any kind, raise a “Guarantee Fund” of one hundred ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} thousand dollars, which may be invested in the manner provided ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} in the investment of deposits of insurance companies, by the ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} second section of the “*Act to amend the Act respecting Insur-* 34 V., c. 19. *ance Companies*,” passed in the thirty-fourth year of Her Majesty’s ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} reign by the Parliament of Canada, and shall be liable for the ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} payment of losses ; and no policy shall be issued or, if issued, ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} shall be valid until such guarantee fund shall have been so raised ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} and invested. The said guarantee fund shall be raised by sub- ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} scription, in shares of one thousand dollars, numbered consecu- ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} tively, and shall be paid in such instalments as the Board of ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} trustees may resolve ; and each year the net profits, after the ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} same have been apportioned as hereinbefore provided, shall be ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} applied in repayment of the said guarantee fund, repaying each ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} year such number of shares as the amount will allow, to be chosen ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} in lot, and passing any balance less than a share to the contingent ^{Guarantee} ~~the~~ ^{fund, how} ~~the~~ ^{raised and} ~~the~~ ^{invested.} fund. The subscribers to the said guarantee fund shall be entitled ^{Subscribers to} ~~the~~ ^{receive} ~~the~~ ^{interest.} interest at the rate of seven per centum per annum ; and certi- ^{Subscribers to} ~~the~~ ^{receive} ~~the~~ ^{interest.} ficates

Subscribers to fund to be represented.

ificates shall be issued to them for their respective shares. The shares shall be transferable; and every holder thereof shall be a member of the Company, and shall have one vote for each share held; and should such holder be a member as the holder of a policy or a certificate of profits, he shall be entitled to such vote or votes for shares in the guarantee fund, in addition to his vote as an ordinary member. Until the guarantee fund be wholly refunded, at least four of the Trustees shall be taken from the holders of the shares thereof; and the President and two of the members of the Executive Committee shall be elected from the Trustees who are the holders of such shares.

CHAP. 101.

An Act to amend the Act 32 and 33 Vict., Chap. 70, "to unite the *Beaver* and the *Toronto Mutual Fire Insurance Companies*."

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the *Beaver* and *Toronto Mutual Fire Insurance* Company have prayed for certain amendments to the Act, passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter seventy, relating to the said Company; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Insurance of live stock.

1. The Company may take premium notes for the insurance of live stock, and may assess the same from time to time in the same manner as in case of insurance against fire; and persons so insuring shall have the same rights and be subject to the same duties as other members of the Company.

Lien on lands abolished and forbidden.

2. Any lien for the premium note on lands on which the insured property is situate, which may have existed or may now exist under policies of the Company, is abolished, and no such lien shall be created under any future policies.

Cancelling of policies by the Company.

3. The Company shall be at liberty to cancel any policy, by giving to the insured notice to the effect that they will cancel the same, by registered letter signed by the Secretary of the Company, addressed and sent by mail, postage paid, to the post office address of the insured as given by him or her in the application for insurance or subsequent writing to the Company, or by giving to the insured personally, notice in writing, signed by the Secretary or an officer or agent of the Company, to such effect; the party insured shall nevertheless be liable to pay his proportion of the losses and expenses of the Company to the time of cancelling the

Party insured to pay up to time of cancelling.

icy; and, on payment of his proportion of all assessments then
able and to become payable in respect of losses and expenses
tained up to such period, shall be entitled to a return of his
mium note or undertaking and such portion of the premium
d by him as shall not have been absorbed by the losses and
enses of the Company up to such period; and a condition to
effect shall be endorsed on the policy.

4. Any member of the Company may, with the consent of the **Withdrawal**
ectors, withdraw therefrom upon such terms as the Directors **of Members.**
y require.

5. No member of the Company shall be liable in respect of any **Limitation**
s or other claim or demand against the Company, otherwise **of the liability**
n upon and to the extent of the amount unpaid upon his **of Members.**
mium note.

6. The amount of cash policies to be issued in any one year, in **Limitation of**
y branch of the Company, shall be limited, so that the cash **amount of**
remiums received thereon during any one year, shall not be in **annual issue**
cess of one half the amount still payable of premium notes in **of cash**
ch branch, on hand on the thirty-first day of December of the **policies.**
xt preceding year; and all the property and assets of the Com-
ny, or of each branch thereof, including premium notes, shall
liable for all losses which may arise under insurances for cash
remiums.

7. If the assessment on the premium note upon any policy be not **Penalty for**
id within thirty days after the date on which such assessment **not paying**
all have become due, the policy of insurance for which such **assessment on**
essment shall have been made, shall be null and void as respects **premium note**
claim for losses occurring during the time of such non-payment: **in due time.**
rovided always that the policy shall be revived when such assess- **Proviso.**
ent shall have been paid, unless the Secretary give notice to the
ntrary to the assessed party in the manner in this Act provided;
t nothing shall relieve the assured party from his liability to pay
ch assessment or any subsequent assessments, nor shall such as-
red party be entitled to recover the amount of any loss or damage
ich may happen to property insured under such policy while such
essment shall remain due and unpaid, unless the Board of Direc-
s in their discretion shall decide otherwise.

8. Every resolution of the Board duly entered upon the minutes, **Resolutions of**
proved at a subsequent meeting thereof and sealed with the Com- **Board of**
ny's seal, shall have the effect of a by-law of the Company until **Directors.**
next annual meeting thereof, when it shall be submitted to the
mbers for confirmation or rejection as they may think fit.

9. The Board of Directors may nominate three persons as **Temporary**
ectors to serve until the next annual meeting, so as to complete **nomination**
full number of fifteen Directors, allowed by law; and such **of three**
ons so appointed shall have all the same rights and duties as **Directors**
other Directors of the Company. **by the Board**

CHAP. 102.

An Act to incorporate a Company by the name of "*Le Crédit Foncier du Bas Canada.*"

[Assented to 3rd May, 1873.]

Preamble.

WHEREAS the persons hereinafter named have, by their petition, represented that great advantages would result to the public from the formation of a landed credit company, with sufficient capital for the making of loans for long periods, repayable by means of sinking funds, or for short periods with or without sinking funds; and that such an institution, formed on the model of the best landed credit institutions of Europe, would be a boon to Canada; and have prayed for the passing of an Act of incorporation of such a company for such purposes; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The Honorable Charles Wilson, Thomas Caverhill, C. S. Rodier, Alfred Larocque, Andrew B. Stewart, Gabriel Rolland, Charles W. Meyer, Antoine C. de Lotbinière Harwood, M. P. Ryan, Joseph Napoléon Bureau, L. H. Sénécal, Michel Emery, Joseph Octave Villeneuve, Louis Napoleon Dumouchel, and Jean Baptiste Lafleur and all or any other person or persons, bodies politic and corporate, who, as executors, administrators, successors or assigns, or by any other lawful title may hold any part, share or interest in the capital stock of the said Company, and their executors, administrators, successors and assigns, shall be and they are hereby constituted a body politic and corporate, under the name and style of "*Le Crédit Foncier du Bas Canada;*" and shall by that name have perpetual succession and a common seal; and may act, sue and be sued, may acquire and hold real and personal estate, and may dispose thereof.

Corporate name, and general powers.

Provisional Directors.

2. The business and affairs of the said Company shall be conducted and managed by a Board of Directors to be appointed by the shareholders as hereinafter provided,—which Board shall consist of qualified shareholders; and which Board in the first instance and provisionally, and until the first general meeting of the Company shall consist of Thomas Caverhill, C. S. Rodier, Alfred Larocque, Andrew B. Stewart, Gabriel Rolland, Joseph Napoléon Bureau, M. P. Ryan, Michel Emery and L. H. Sénécal, who shall remain in office until the first general meeting, and shall then go out of office, but shall be eligible for re-election.

Capital of the Company, and number of shares.

3. The capital stock of the said Company shall be one million of dollars, divided into ten thousand shares of one hundred dollars each; so soon as the capital stock shall have been all subscribed, the Directors of the said Company may, in conformity to the

ision come to by the shareholders at a general annual meeting Increase of
 cease the capital stock by the issue of a new series of shares : capital.
 ovided that each new series shall not exceed one million of
 lars; and provided also that no new series of shares shall
 issued after the first, unless the full amount of the previous
 r series shall have been subscribed and paid up,—the subscribers Privilege of the
 the first capital stock, their heirs and successors being entitled primary share-
 take, by privilege, in the new issue of shares, an amount pro- holders
 tionate to their shares in the first capital stock, and on the
 ne terms and conditions.

1. No shareholder of the Company shall be liable for or charged Liability of
 h the payment of any debt or demand due from the Company shareholders
 ound the extent of his shares in the capital of the Company limited.
 then paid up.

2. So soon as five thousand shares shall have been subscribed First general
 Directors shall give notice thereof in two newspapers published meeting.
 the City of Montreal,—the one in French and the other in
 glish; and shall call a meeting of the shareholders.

3. At this meeting of the shareholders, nine Directors shall be Directors of
 sen, five of whom shall form a quorum for the transaction of busi- the company;
 s; these Directors shall name their President and Vice-Presi- their number
 t; they all shall form the Board of Directors of the said Company, and quorum.
 remain in office until they shall have been replaced by their Causes of their
 cessors in the manner hereinafter mentioned, unless they cease being re-
 be so by one of the following causes, namely,—death, resigna- placed.
 a, possession of less than ten shares, insolvency, bankruptcy,
 arrest for crime or misdemeanor.

4. When a Director has absented himself from the meetings of the Absence.
 ord of Directors during three consecutive months, the majority
 a quorum of the other Directors may, by resolution, declare
 office vacant.

5. Every Director shall have the right to give in writing his Resignation.
 gnation of the office, and he shall be immediately replaced in
 manner hereinafter provided.

6. Every vacancy in the Board of Direction, happening in the Vacancies,
 rse of the year, from whatever cause, shall be filled by the how filled.
 minous choice of the remaining Directors; and the substituted
 irector shall remain in office until replaced at the election of
 irectors, by the annual general meeting.

7. No person shall be elected a Director who shall not be a Qualification
 prietor of at least ten shares, on which all calls shall have of Directors.
 n paid in full, a British subject and a resident in the Dominion
 anada; and such number of shares shall remain untransferable
 ing the time of his office.

Section 10. The Directors shall be elected for three years, but one third of them shall go out of office annually, to be replaced or re-elected, and shall be elected by the majority of the Directors elected at the first meeting shall retire at the end of the first and second years they may be re-elected.

Section 11. All the decisions of Directors shall be by ballot, and decided by the majority of shareholders then present, voting either in person or by proxy.

Section 12. At the first general meeting of the shareholders a decision shall be made as to what shall be the amount of the first instalment payable on each share, but it shall not be less than one tenth the amount of such share then subscribed; and afterwards the Board of Directors may from time to time, make such calls of money upon the respective shareholders in respect of the amount of capital respectively subscribed or owing by them, as they shall deem necessary. Provided that thirty days' notice at the least be given of each call and that no call exceed the amount of ten dollars per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in the year do not exceed the amount of forty dollars per share: and every shareholder shall be liable to pay the amount of calls so made in respect of the shares held by him, at the times and at the times and places from time to time appointed by the Company: Provided always that it shall not be lawful for the said Company to commence business until a sum of not less than fifty thousand dollars shall have been paid up by the subscribers to the said capital stock.

Section 13. The first instalment of the said shares of the capital stock subscribed for shall be paid at such times and places as the Directors shall appoint and if it is not paid at the place and time so appointed, the said Directors may, without other formality, erase the names of the shareholders so neglecting to pay, and thereupon such subscriptions to such shares whereof the instalments shall not have been paid shall be as void as if they had never been given: the executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be, and they are hereby indemnified for paying the same.

Section 14. If any person subscribing for shares in the capital stock of the Company is desirous of paying up in advance, either at the time of subscribing, or at any other time, the full amount of his shares, the Directors may at any time admit and receive such subscriptions and the full payment or payments of any number of instalments, upon such conditions as they may deem expedient.

Section 15. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said capital stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall be bound to pay to the Company eight per cent interest per annum until effectual payment is made.

Moreover it shall be lawful for the Directors of the Company, without any previous formality other than thirty days' public notice of the intention, to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of interest due on the whole of them: Provided that the said sale shall have been specially authorized by a resolution of the Board of Directors; and the President or the Vice-President or the Cashier of the Company shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer, being accepted, shall be valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred.

Sale of stock
at public
auction.

Transfer in
such cases.

14. Notwithstanding anything contained in the previous section, the Company may sue such shareholder, failing to pay, for the amount thereof in any court of law or equity having competent jurisdiction, and may recover the same with interest at the rate of eight per cent per annum from the day on which such call may have been made payable.

Right of ac-
tion against
shareholder in
default.

15. In any action to recover any money due upon any call it shall not be necessary to set forth the special matter; but it shall be sufficient to declare that the defendant is the holder of one share or more, (stating the number of shares) and is indebted in the sum of money to which the calls in arrear shall amount, in respect of one or more upon one share or more,—stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of this Act.

Requisite
formalities in
such action.

16. On the trial of such action it shall be sufficient to prove that the defendant, at the time of making such call, was the holder of one share or more in the Company, and that such call was in fact made and such notice thereof given, as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such calls exceed the amount of ten dollars per share, or that due notice of such call was not given, or that the interval of three months between the successive calls had not elapsed, or that calls amounting to more than the sum of forty dollars in one year had been made.

What shall be
deemed suffi-
cient evidence
in such action.

17. The production of the register book of shareholders of the Company or a certified extract therefrom, signed by the Cashier of the Company, shall be *prima facie* evidence of such defendant being shareholder, and of the number and amount of his shares and of the sums paid in respect thereof.

Proof that
defendant is
shareholder.

18. The Company shall keep a book, to be called "the Register of Shareholders" and in such book shall be fairly and distinctly entered,

Register of
shareholders.

entered, from time to time, the names and additions of the several persons being shareholders of the Company, the number of shares to which such shareholders shall be respectively entitled, and the amount of subscriptions paid on such shares ; and such book shall be authenticated by the common seal of the Company being affixed thereto.

Certificate of shares.

Proviso.

19. On demand of the holder of any share, the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder ; and such certificate shall have the common seal of the Company affixed thereto ; and such certificate shall specify the number of shares in the undertaking to which such shareholder is entitled ; and such certificate shall be admitted in all courts as evidence of the title of such shareholder to the share therein specified,—nevertheless, the want of such certificate shall not prevent the holder of any shares from disposing thereof.

Shares held as personal property.

Form and condition of transfer.

Transfer of shares sold under writ of execution.

20. The shares of the capital stock of the Company shall be held and adjudged to be personal property, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the Company, or at any of its branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall, from time to time, prescribe ; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge, to the satisfaction of the Directors, all debts actually due or contracted and not then due by him, her or them to the institution, which may exceed in amount the remaining stock (if any) belonging to such person or persons ; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable ; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the officer by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Company an attested copy of the writ, with the certificate of such officer endorsed thereon, certifying to whom the sale has been made ; and thereupon (but not until after all debts due, or contracted but not then due, by the original holder or holders of the said shares to the Company shall have been discharged as aforesaid), the President or Vice-President or Cashier shall execute the transfer of the share or shares so sold to the purchaser ; and such transfer, being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares,—any law or usage to the contrary notwithstanding.

Shares transferable in the United Kingdom, &c.

21. Shares in the capital stock of the Company may be made transferable, and the dividend accruing thereon may be made payable in the United Kingdom or elsewhere, in like manner as such shares and dividends are respectively transferable and payable at the chief office of the Company ; and to that end the Directors shall

in time to time, make such rules and regulations and prescribe the forms, and appoint such agent or agents as they may deem necessary.

22. If the interest in any share in the Company become transferred in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall be, by the party making and signing the same, acknowledged before a judge of a court of record, or before the mayor, provost or chief magistrate of any city, town, borough or other place, or before a public notary where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier, or other officer or agent of the Company, duly authorized to that effect, who shall thereupon enter the name of the party entitled under such transmission in the register of shareholders; and until such transmission shall have been so authenticated no party or persons claiming by virtue of any transmission shall be entitled to receive any share of the profits, nor to vote in respect of any such share as the holder thereof: Provided always that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share, which shall be made in any other country than this, or some other of the British colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul or other the accredited representative of the British Government where the declaration shall be made, or shall be made before such British Consul or Vice-Consul or other accredited representative; and provided also that nothing in this Act contained shall be held to debar the Directors, Cashier or other officer or agent of the Company, from requiring corroborative evidence of any such fact or facts alleged in any such declaration.

Shares transmitted by death, insolvency, marriage &c.

Declaration, before whom acknowledged.

Proviso: as to declaration made in foreign countries.

Proviso: as to further evidence.

23. If the transmission of any share of the Company be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall establish the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letters of administration or the act of curatorship, or any official extract therefrom, shall, together with such declaration, be produced and left with the Cashier or other authorized officer or agent of the Company, who shall, thereupon, enter the name of the party entitled under such transmission in the register of shareholders.

Transmission by marriage of a female shareholder.

By will.

24. If the transmission of any share or shares of the capital stock of the said Company be by the decease of any shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased shareholder, or of letters of administration

Transmission in case of death.

administration of his estate granted by any court of justice in the Dominion having power to grant such probate or letters of administration, or by any prerogative, diocesan or secular court of authority in England, Wales, Ireland, India or any other British Colony, or of any testament-testamentary, or testament-lative expedite in Scotland, or if the deceased shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend or transferring or authorizing the transfer of any share in pursuance of and in conformity to such probate, letters of administration or other such document as aforesaid.

Company not bound to execution of trusts.

25. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Company, or, if it stands in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Company have notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt,—any law or usage to the contrary notwithstanding.

Chief place of business.

26. The chief place of business of the said Company shall be at the City of Montreal; but the said Company shall, from time to time and at all times hereafter, have power and authority and they are hereby authorized to establish such and so many agencies in any part or portion of the Dominion or in England, and under such regulations for the management thereof, and to remove the same, as the Directors of the said Company may deem expedient.

Agencies.

In what manner and on what security the company may make loans.

27. The Company is authorized to loan and advance by way of loan or otherwise, on the security of immovable property for a long term, sums of money to be repaid by way of annuities, or for a short term, with or without a sinking fund.

What included in annuity. Interest.

28. The annuity shall include,—

1. The interest on the capital, which shall not exceed eight per cent per annum;

Costs of management.

2. The costs of management which shall not be more than one per cent;

Sinking fund.

3. The amount for the sinking fund;

and the annuity shall be stipulated in the instrument of loan, or the deed executed by the debtor in favor of the Company.

29. The rate of payment of the sinking fund shall be calculated so as not to last more than fifty years, with power nevertheless to the borrower to acquit himself of the whole, or any part thereof, at any time, upon giving three months' notice of his intention : Provided always that the Company shall allow on the sinking fund, until final payment of the whole debt, compound interest at the rate of not more than one per cent below the rate charged to their debtors ; and provided that all and every loan for a period of six years or more shall be deemed a loan for a long term, for the purposes of this Act.

Term of loans, either for short or long period.

Payment of loans.

30. The Company is authorized to require and receive semi-annually and in advance all interests, costs of management and annuities arising from its loans and disbursements.

Semi-annual payments in advance.

31. In case of anticipatory payment, the Company shall not be bound to accept and receive any sum under ten per cent of the amount of any loan made, and may require an indemnity, which shall be calculated on the difference between the rate of interest stipulated in the deed or in the obligation and that of the mortgage bond or debenture in circulation at the date of the anticipatory payment and on the length of time the obligation has still to run ; but such indemnity shall not exceed one per cent per annum on the amount of the anticipatory payment, for such time as the obligation or deed might have to run, and shall not in any case exceed the losses which the Company might incur in consequence of the said anticipatory payment ; nevertheless the sum proceeding from such anticipatory payments may be invested in furthering new loans.

Partial reimbursements not less than ten per cent. Indemnity.

Anticipatory payments ; how invested.

32. The Company shall only lend and advance money on first hypothec of real estate, the value of which shall be at least double the amount of the loan and advance-money, and any loan made on hypothec subsidiary only to the hypothec of the *rentes constituées* under the seigniorial act, or to any privilege or hypothec specially exempted from registration shall be considered as made on first hypothec ; and the loans and advances to be employed in paying off obligations or debts already registered shall also be considered as made on first hypothec, when, by the effect of such payment or of the subrogation arising therefrom in favor of the Company, the claim of this latter shall rank first and not concurrently with that of any other creditor. In this last case the Company shall keep in hand the necessary amount to effect such payment.

Security for loans.

And of debts paid off by Company.

33. The Company shall require that property liable to be destroyed by fire be insured at the expense of the borrower, unless the said Company holds as security for its claim, apart from such property, other real estate worth double the value of the sum loaned, and which is not liable to be destroyed by fire ; the deed of loan shall contain a transfer of the amount of the insurance in the event of loss ; the property so pledged shall be kept insured during the whole term of the loan ; the Company shall have a right

Fire insurance or property pledged.

right

right to have the insurance made in their own name and the annual premiums paid through their hands; in the case of a loan redeemable by annuity, such annuity may be increased by so much.

Insurance how settled in case of loss.

34. In the event of loss the insurance money shall be paid directly to the Company. During one year from the date of the settlement of loss, the debtor shall have the privilege of rebuilding. During that period the Company may retain the insurance money, as security to the amount of their claims calculated up to the end of the year.

Insurance money to be paid over after rebuilding.

After the rebuilding the Company shall pay over the insurance money to the debtor, deducting, however, whatever may be due to it; and if, at the expiration of the year, the debtor has not availed himself of his right to rebuild or if, before that time, he has notified the Company that he did not intend to avail himself thereof, thereupon the insurance money shall finally inure to the benefit of the Company and shall be imputed on their claim as a payment by way of anticipation.

Effect of, as respects indemnity.

35. The anticipated payment which shall arise from loss by fire shall not give rise to the indemnity authorized by section thirty-one of this act in favor of the Company; nevertheless, whenever the Company shall deem that by the effect of the loss, their security shall have been jeopardized, they shall have the right at any time to exact the payment of the balance due.

Every mutation confers the right to claim the debt except in certain cases.

36. Every mutation, either by sale, promise of sale, exchange, donation or other way, of any immovable charged for the guarantee of any claim of the Company shall confer upon the latter the right to exact, at any time, the total payment of such claim without any notice or signification, unless the debtor shall, at his own expense, within a month's delay, deposit with the Company a registered copy of the deed causing any such mutation, and the new proprietor of such immovable passes in favor of the Company, within the same delay and also at his own expense, a new deed or act acknowledging such claim, and has it duly registered; and in the event of such payment for want of compliance with any of the formalities hereinbefore enumerated, the Company shall have a right to claim the indemnity authorized in their behalf by section thirty-one of this Act.

Indemnity.

Loans to certain corporations.

37. The Company shall also have the power to loan and advance to municipalities, corporations and *fabriques* whatever sums they may be authorized to borrow according to the laws and by-laws by which they are governed.

Issue of bonds or debentures.

38. The Company, for the purpose of procuring capital, is authorized to issue and, in or out of Canada, negotiate mortgage bonds or debentures (*Lettres de gage*).

9. The mortgage bonds or debentures shall be payable either To order or bearer. der or to bearer, and shall bear interest; and the bearers of mortgage bonds shall have for the payment of the amount Privilege of holders. of, a priority of claim on the capital of the Company over all creditors.

10. The Company shall not issue bonds to a larger amount Issue of bonds limited. than that of its hypothecary claims, of which they shall be required to represent the value; and the amount paid in on the subscribed stock of the Company shall be kept at all times at least at least of the amount of such bonds in circulation.

11. The mortgage bonds shall be in sterling money or currency, Their respective subdivisions. may be delivered in subdivisions at the option of the Directors, as they may think best for their negotiation.

12. The Directors may attach interest coupons to the mortgage bonds, and such interest shall not exceed eight per cent. Interest coupons. per annum.

13. A portion of these bonds, proportioned to the amount of sinking fund paid in, shall be annually withdrawn from circulation, (the number of those to be redeemed being ascertained by *tirage au sort*), so that all the bonds which have been issued Mortgage bonds; how withdrawn from circulation. be withdrawn from circulation at the expiration of the time for their becoming due.

14. The mortgage bonds so designated by lot, as well as those becoming due, shall be redeemed at par with interest in specie to How redeemed. bearers, at the day and place appointed by the Company in accordance to that effect published in two newspapers; and they shall to bear interest from such day.

15. The mortgage bonds bearing different rates of interest or Classification payable at different periods may be classified separately, and be redeemed proportionately to the amount received on the sinking fund and applicable to each class.

16. The Company shall keep a book, to be called "The Mortgage and Debenture Book," and in such book shall be successively Mortgage and debenture book. entered the date of loans and names, occupation and residence of borrowers, the amount of mortgage money advanced, the amount of mortgage bonds or debentures issued, the value, situation and extent of the real estate hypothecated as security, and all other particulars deemed necessary.

17. The Company may receive deposits bearing or not bearing Deposits interest, and shall have the right of retaining from deposits the amount which shall be due by the depositor.

18. On the fifteenth day of March annually, or (such day being Annual general meeting a legal holiday, then) on the next following day not being a legal day, there shall be a general meeting of the shareholders of the Company

Company for receiving a report of the state of affairs from the Board of Directors, electing the Directors and transacting any other matter of general interest relating to the management of the Company.

How meetings presided over: **Secretary of such meetings:** **Record of deliberations:** **49.** All meetings of the Company or of the Directors shall be presided over by the President, and in his absence by the Vice-President, and if both are absent, by a President *pro tempore* chosen by the majority of the members present, and the Cashier shall be *ex-officio* Secretary of all such meetings, and in the absence of this latter the Assistant Cashier shall take his place; and the minutes of these meetings shall be made and inscribed in a book called "The Record of the Deliberations of the Directors," and shall be certified, attested and signed in such record by the President of the meeting and by the Secretary of that same meeting.

Votes: **50.** At all meetings of the Company every shareholder shall be entitled to one vote for every share held by him; and no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares held by him.

Debenture not to give right to vote: **51.** No person shall, in right of any debenture, be deemed a shareholder or be capable of acting or voting as such at any meeting of the Company.

Votes may be given by proxy: **52.** The votes may be given either personally or by proxy,—every such proxy being a shareholder authorized by writing under the hand of the shareholder nominating such proxy; and every proposition at any such meeting shall be determined by show of hands, or, upon demand of any shareholders after such show of hands, by the majority of the votes of the shareholders present including proxies,—the chairman of the meeting being entitled, not only to vote as a principal or proxy, but to have a casting vote if there be an equality of votes.

Formalities relating to proxies: **53.** No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the Clerk or Cashier of the Company two clear days before the holding of the meeting at which such instrument is to be used; and no person shall at any one meeting represent as proxy more than ten shareholders.

Parties holding one share conjointly: **54.** If several persons be jointly entitled to a share, the person whose name stands first on the register of shareholders as one of the holders of such shares shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first named shareholder alone, either in person or by proxy, shall be allowed as the vote in respect of such share; and no proof of the concurrence of the other holders thereof shall be required.

Powers, duties and authorities: **55.** The Directors, may from time to time make rules and by-laws for the transaction of the affairs of the Company, which rules

by-laws shall be adopted at a general meeting of shareholders; and they shall have and may exercise the powers, privileges and authorities set forth and vested in them by this Act; and they shall be subject to and be governed by such rules, regulations and provisions as herein contained with respect thereto and by the by-laws to be made for the management of the said Company; and the Directors shall and may lawfully exercise all the powers of the Company except as to such matters as are directed by this Act to be transacted by a general meeting of the Company; they may call any general, special or other meetings of the Company, or of the Directors which they may deem necessary; and they shall, upon requisition made in writing by any number of shareholders holding in the aggregate one-fifth part of the shares of the Company, convene an extraordinary general meeting; and such requisition so made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the Company's office; and if the Directors do not convene such general meeting within twenty-one days from the date of the requisition, the requisitionists, or any other shareholders having the required number of shares, may themselves convene a meeting: the Directors may use and affix or cause to be used and affixed the seal of the Company to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money as they may deem expedient which are or shall at any time be authorized to be made by or on the behalf of the Company, and enter into all contracts for the execution of the purposes of the Company, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell and dispose of the lands, property and effects of the Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company, as if the same lands, property and effects were held and owned according to the tenure and subject to the liabilities, if any, from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt all acts required or the due exercise of any further powers and authorities which may hereafter at any time be granted to the Company by the Parliament of the Dominion, or for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities, or in altering or repealing the same respectively or any of them; but all the powers shall be exercised in accordance with and subject to the provisions of this Act in that behalf: Provided always that all real estate acquired and held by the said Company in virtue of this Act, except such as is necessary for the use and occupation of the Company and the purposes thereof shall be sold and realized at public auction or private sale by the Company at any period not later than five years from the acquisition of such real estate.

of directors.

By-laws.

General and special meetings.

Affixing corporate seal.

Calls and forfeitures.

Payments, loans and contracts.

Managing property.

Further general powers.

Proviso : as to real estate.

Appointment
of officers.

Securities.

56. The Directors shall name the Cashier, Assistant Cashier and all other subordinate officers of the Company, and shall fix their respective salaries and remuneration; and shall take from the Cashier security for not less than five thousand dollars, and security for not less than two thousand dollars, from any other officer having control of the cash or any moneys of the Company.

Minutes of
proceedings
to be kept.

Certified copy
to be received
as evidence.

57. The Directors shall cause notices, minutes or copies, as the case may require, of all appointments made or contracts entered into by the Directors, to be duly entered in books to be, from time to time, provided for the purpose, which shall be kept under the superintendence of the Directors; and every such entry shall be signed by the chairman of the meeting at which the matter in respect of which such entry is made was moved or discussed at or previously to the next meeting of the Company or Directors, as the case may be; and a copy of such entry so signed shall be received as evidence in all courts and before all judges, justices and others without proof of such respective meeting having been duly convened, or of the persons making or entering such orders or proceedings being shareholders or Directors respectively, or of the signatures of the chairmen,—all which last mentioned matters shall be presumed; and all such books shall at any reasonable time be open to the inspection of any of the shareholders.

Dividenda.

Limitation.

58. The Company shall not declare any dividend whereby their capital stock may be reduced; and shall not pay any dividend exceeding eight per cent per annum, as long as their reserved fund shall not have reached twenty-five per cent of the paid up capital stock.

Reserve to
meet contin-
gencies.

59. Before apportioning the profits aforesaid the Directors may, if they think fit, set aside thereout such sums as they may think proper to defray preliminary expenses and to meet contingencies, or for enlarging or improving the estate of the Company or any part thereof, or promoting the objects and purposes for which they are incorporated, and may divide the balance only among the proprietors, subject nevertheless to the provisions of the next preceding section relating to the reserved fund.

No dividend
unless calls
paid up.

60. No dividend shall be paid in respect of any share until all calls then due in respect of that or any other share held by the person to whom such dividend may be payable, shall have been paid.

Expenses, out
of what funds
payable.

61. To the payment of the expenses of the Company there shall be applied in the following order:—

1. The amount received for preliminary expenses;
2. The amount received for costs of management.

62. To the payment of the debts and losses there shall be applied in the following order :—

Debts and losses, out of what funds payable.

1. The revenues and profits ;
2. The reserved fund ;
3. The shares.

63. It shall be lawful for the Directors from time to time to appoint such and so many officers, solicitors and agents, either in the Dominion or elsewhere, and so many servants as they deem expedient for the management of the affairs of the Company, and to allow to them such salaries and allowances as may be agreed upon between them and the Company ; and to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever ; and from time to time to alter and repeal any such by-laws and make others,—provided such by-laws be not repugnant to the laws of Canada or to the provisions of this Act ; and such by-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Company ; and a copy of such by-laws shall be given to every officer and servant of the Company ; and any copy or extract therefrom certified under the signature of the Cashier shall be evidence in all courts of justice in Canada of such by-laws or extracts from them, and that the same were duly made, and are in force ; and in any action or proceedings at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of the Company, and all documents purporting to be sealed with the seal of the company, shall be held to have been duly sealed with the seal of the same.

Directors may appoint officers, solicitors, agents, &c.

By-laws for certain purposes.

Authenticity of the by-laws and seal of the company.

64. With respect to any notice required to be served by the Company upon the shareholders, it shall be sufficient to transmit the same by post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in due course of post within the period (if any) prescribed for the giving of such notice ; and in order to prove the giving of such notice it shall be sufficient to prove that such notice was properly directed, and that it was so put into the Post Office.

How notices shall be served

65. All notices required by this Act to be given by advertisement in a newspaper, shall be signed by the chairman of the meeting at which such notices shall be directed to be given, or by the Cashier or other officer of the Company, and shall be advertised in such newspaper as the Directors shall order, unless otherwise specially provided by this Act ; and the same shall thereupon be deemed and considered to be personal notices.

Notices given by advertisement.

66. Every summons, demand or notice or other such document requiring authentication by the Company, may be signed by one Director,

Authentication of documents.

Director, or by the Cashier of the Company, and the same may be in writing or in print or partly in writing and partly in print.

Deeds ; by whom signed.

67. The President or, in his absence, the Vice-Président and the Cashier or, in his absence, the Assistant Cashier shall sign all deeds and documents to which the Company shall be a party ; and in the event of both the President and the Vice-President, or both the Cashier and the Assistant-Cashier, or all of them being prevented from signing any such deed or document, either by absence, personal interest or any other cause whatsoever, such deed or document shall then be signed by such person or persons as the Board of Directors shall authorize to that effect.

List of shareholders to the Minister of Finance.

Appointment of Auditors.

Term of office, vacancy, and replacing.

Proviso.

68. So soon as the Company shall have commenced to transact business, a list, stating the names, occupations and residences of the shareholders and the amount of shares respectively held by them in the undertaking shall be transmitted to the Minister of Finance, who may then name and appoint three from among the said shareholders as Auditors of the Company : Provided always that such Auditors so named and appointed be holders of not less than ten shares in the capital stock of the Company ; and the same shall remain in office as long as the Minister of Finance shall not have replaced them, unless their office should become vacant for some of the reasons hereinafter set forth, namely,—death, possession of less than ten shares, insolvency, bankruptcy, arrest for crime or offence, resignation or neglect in discharging their duties ; and in every such event immediate notice thereof shall be given to the Minister of Finance, who may fill up such vacancy in the manner hereinbefore mentioned. Nevertheless it shall be lawful for the Minister of Finance to make such appointment or to invest the Board of Directors with the power of making the same.

Duties and powers of Auditors.

69. It shall be the duty of the Auditors to see the statutes and by-laws be strictly enforced, and for that purpose they shall have a right to attend the meetings of the Board of Directors, to be consulted, to superintend the creation of the mortgage bonds, as also the issuing thereof ; they shall examine the inventories and annual accounts, and submit to the general meeting such observations thereon as they may deem advisable. Whenever they may require they shall have communication of the books and accounts and of all writings generally. They shall have power to verify the state of the cash and cash books at any time whatever ; and they may, whenever their decision is unanimous, require a special meeting of the shareholders to be called.

Semi-annual statement to the Minister of Finance.

70. The Company shall, on the first days of January and July in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Minister of Finance may require,—

1st. The amount of stock subscribed ;

2nd. The amount paid in upon such stock ;

3rd. The amount of mortgage bonds or debentures in circulation;

4th. The amount invested and secured by mortgage deeds;

5th. The value of real estate under mortgage;

6th. The amount held as deposits:

71. And such statement shall be attested on oath, before the Justice of the Peace, by three persons at least,—one being the President, Vice-President or other functionary for the time being the head of the Company; one the Cashier or Assistant Cashier the same, and the other or others the Auditor or Auditors of the said Company, each of whom shall swear distinctly that he has in such quality or office as aforesaid; that he has had the means of verifying and has verified the statement aforesaid, and found it to be exact and true in every particular; that the property under mortgage has been set down at its true value to the best of his knowledge and belief; and that the amount of the shares and debentures issued and outstanding, as he verily believes, is correct; and that the amount of the deposits as well as the investment thereof is stated correctly: and such statement shall be published by the Minister of Finance, in such manner as he shall think conducive to the public good; and such statement shall be transmitted by post, within eight days after the day to which it is to be made up, and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Company to have ceased; and if the Minister of Finance shall, in any case, suspect any such statement to be wilfully false, he may cause some competent person to examine the books and enquire into the affairs of the Company, and to report to him on oath; and by such report it shall appear that such statement was wilfully false, or that the Company is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books, or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Gazette*, declare the business of the Company to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the Company to have ceased, he may, before so doing, give notice to the Company, and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements, and the publication thereof, shall be borne by the said Company.

Attestation of such statement.

Publication of statement.

Minister of Finance may have the books examined.

May cause the company to cease business, in certain cases.

Notice to be given to the Company.

72. It shall be lawful for the Directors of the said Company, when it shall have been determined at a meeting of the shareholders thereof, to apply for and obtain a royal charter of incorporation, or an Act of the Parliament of the United Kingdom of Great Britain and Ireland, for granting to the said Company

Royal charter of incorporation may be applied for.

pany

pany the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by this Act, or to register a memorandum of association, or articles of association, under the provisions of the Act of the Parliament of the United Kingdom, intituled "*The Joint Stock Companies Act of 1856.*" for the purpose of more effectually carrying out the objects of this Act in this Dominion, or in any part of the United Kingdom of Great Britain and Ireland.

Interpretation
clause.

73. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say;—words importing the singular number shall include the plural number; and words importing the plural number shall include the singular number; the word "month" shall mean calendar month; the word "cashier" shall include the word "clerk"; the term "real estate" shall extend to messuages, lands, tenements and hereditaments of any tenure; the word "Company" shall signify "*Le crédit Foncier du Bas Canada*"; and the word "Dominion" shall mean "The Dominion of Canada;" the words "mortgage bonds or debentures" shall also apply to subdivisions (*coupures*) of said mortgage bonds.

CHAP. 103.

An Act to amend "An Act to incorporate The Montreal Investment Association."

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the Montreal Investment Association, incorporated by the Act twenty-eighth Victoria, chapter forty-two, of the legislature of the late Province of Canada, have, by petition, prayed that they may be authorized to exercise the powers now conferred upon them in respect of the late Province of Canada, in any part of Canada, and for other amendments to their Charter; and it is expedient to grant the prayer of the said Petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers of the
Company en-
larged.

1. It shall be lawful for the Association to acquire, hold and dispose of any stock, securities, bonds or debentures, or any moneys secured by mortgage, pledge or otherwise, to make loans and exercise any of the powers by law conferred upon them in any part of the Dominion of Canada.

What rate
of interest
may be
recovered.

2. The Association may stipulate for, take, reserve or exact any rate of interest or discount not exceeding eight per cent per annum that shall be lawful in the place where the contract for

he shall be made and be executory, and shall not be liable to any penalty or forfeiture for usury: Provided that the said Association shall not take from any of its debtors on any loan made before the passing of this Act, more than the rate allowed by the Act hereby amended for the forbearance of such loan or any new loan to the same party or his legal representative on the same party for or during two years from the passing of this Act. Provide.

3. The capital stock of the Association shall hereafter be divided into shares of one hundred dollars each. How the stock shall be divided.

4. In order to restrict the liability of the Association, as set forth in the fourth section of the Act of Incorporation, in respect of any bill, note or other negotiable instrument other than bonds or debentures, the class or denomination of stock under which the same is drawn or made, must be clearly designated thereon, with the amount of capital stock under such class or denomination. Liability of Association, how determined.

5. Notwithstanding anything contained in the fifth section of the Act of Incorporation, the aggregate amount borrowed by the Association as therein provided, may equal but shall not exceed two-thirds of the amount of paid up capital. The Association may borrow money, and to what amount.

CHAP. 104.

1. Act to change the name of the "*Freehold Permanent Building Society of Toronto*" to that of the "*Freehold Loan and Savings Company*" and to extend the powers thereof.

[Assented to 23rd May, 1873.]

WHEREAS the "*Freehold Permanent Building and Savings Society of Toronto*" by their petition have represented that they were incorporated under the authority of the Act passed by the legislature of the late Province of Canada in the ninth year of Her Majesty's Reign, intituled "*An Act to encourage the establishment of certain Societies commonly called Building Societies in that part of the Province of Canada formerly constituting Upper Canada*," and of the Act amending the same; and that, by reason of the great extension of their business, the increase of the number of their shareholders and the extended as well as altered character of their financial transactions, it is necessary that they should seek from Parliament further powers than those which the Act above mentioned is authorized to confer; and whereas it would be for the public advantage as well as for the convenience of the corporation that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporation
continued and
name changed.

1. The said "Freehold Permanent Building and Savings Society of Toronto" and all its present members, their successors and assigns for ever are hereby constituted and shall continue to be a body politic and corporate under the name of the "Freehold Loan and Savings Company," having its principal place of business in the City of Toronto: and under that name shall be capable of suing and being sued, pleading and being impleaded in all courts and places whatsoever.

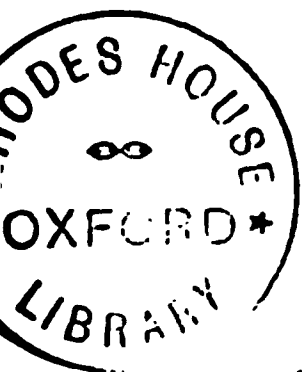
Existing rights
to continue
under new
name.

2. The said "Freehold Loan and Savings Company" shall not be deemed to be a new corporation, but it shall have, hold and continue to exercise all the rights, powers and privileges that have heretofore been held, exercised and enjoyed by the said "Freehold Permanent Building and Savings Society of Toronto" in as full and ample a manner as if the said Society had continued to exist under its original name; and all statutory provisions applicable to the said Society shall continue applicable to the said "Freehold Loan and Savings Company," so far as the same are not contrary to or inconsistent with the provisions of this Act.



Property
to remain
vested in
corporation.

3. All the real and movable property, shares or stock obligations, debts, rights, claims and privileges of the said "Freehold Permanent Building and Savings Society of Toronto" shall be and are hereby transferred to and vested in the said "Freehold Loan and Savings Company;" and all the shareholders in the said Society shall be shareholders for like amounts and with like rights in the said "Freehold Loan and Savings Company;" but all legal proceedings heretofore regularly begun by or against the "Freehold Permanent Building and Savings Society of Toronto" may be continued and terminated under the name or style of cause in which they have been instituted, for the benefit of or against the said "Freehold Loan and Savings Company."



Officers, &c.,
continued.

4. The present President, Vice-President, Directors and officers of the said "Freehold Permanent Building and Savings Society of Toronto" shall continue in office as such in the said "Freehold Loan and Savings Company," with the names of President, Vice-President, Directors and officers of the said "Freehold Loan and Savings Company," until replaced in conformity with the by-laws of the said Company, and the provisions of the law.

By-laws and
rules con-
tinued.

5. All the present by-laws and rules of the said "Freehold Permanent Building and Savings Society of Toronto" shall continue in full force and effect and shall be binding in law as regards the said "Freehold Loan and Savings Company," its Directors, officers, shareholders and borrowers until modified, amended or repealed in conformity with the provisions of this Act.

By-laws and
amendment
and confirma-
tion thereof.

6. The Directors of the said "Freehold Loan and Savings Company" may, from time to time, alter, amend, repeal or create any regulation, rule or by-law for the working of the said Company: Provided that such action of the Directors shall not have a binding force beyond the day of the holding of the next annual meeting of the Company unless confirmed thereat.

7. All special general meetings of the shareholders of the said Corporation for any object relative to the business of the said company shall be called by the President, Vice-President or Manager on the order of the Board of Directors or upon a requisition of twenty or more shareholders whose shares in the said Company amount to at least fifty thousand dollars, by a notice inserted at least once a week in one or more newspapers published in the City of Toronto during the two weeks next preceding the day fixed for such meeting—when a majority of the shareholders present in person or by proxy shall govern; and the annual general meeting of the said Company shall continue to be held at the time and in the manner provided for the holding of the annual general meetings of the said Society, unless and until otherwise provided for by by-law.

Special general meetings.

Annual general meetings.

8. No shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up.

Liability of shareholders limited.

9. The said Freehold Loan and Savings Company may lend money, in conformity with the laws authorizing the establishment of Building Societies in Canada and with the by-laws of the said Company, to any person or persons or body corporate, without requiring any of such borrowers to become subscribers to the stock or members of the said Company.

Company may loan money to non-members.

10. The said "Freehold Loan and Savings Company" may purchase mortgages upon real estate, debentures of Municipal Corporations, Dominion or Provincial stock or securities; and they may re-sell all such securities as to them shall seem advisable, and for that purpose they may execute such assignments or other instruments as may be necessary for carrying the same into effect; they may also make advances to any person or persons or body corporate, upon the same securities at such rates of discount or interest as may be agreed upon.

Business of the Company.

11. The principal moneys so advanced on mortgages may be repaid by means of a sinking fund of not less than two per centum per annum, within such time as the said Company shall direct and appoint, and as shall be specified in the mortgage or assignment of mortgage, to be made of such real estate and of such revenues, rates, rents, tolls or profits as hereinafter mentioned; and the said Company may do all acts that may be necessary for advancing such money, and for recovery and obtaining repayment thereof, and for enforcing payment of all interest accruing therefrom, or any conditions annexed to such advance, or any forfeiture consequent on the non-payment thereof, and give all necessary and proper receipts, acquittances and discharges for the same; and do, authorize and exercise all acts and powers whatsoever, requisite or expedient to be done or exercised in relation to the said purposes.

Repayment and recovery of advances.

Company may receive money on deposit, and Directors may issue debentures.

Proviso.

Interest may be paid in advance.

Mortgage and debenture book.

Statement of affairs to be transmitted to Minister of Finance, annually.

12. It shall be lawful for the Company to receive money on deposit, and for the Board of Directors of the said Company to issue debentures of the Company for such sums not being less than one hundred dollars, and in such currency as they may deem advisable; such debentures shall be numbered in arithmetical progression, beginning with number one, and be respectively distinguished by the number affixed to them; and each shall truly state the sum for which it is issued, the time and place at which it is payable, and the rate of interest which it bears; and the paid in and subscribed capital of the Company shall be liable for the amount so borrowed, and for any amounts received on deposit by the said Company: Provided only that the amount of deposits held at any one time shall not exceed the amount of paid-up capital of the Company, and that the aggregate amount of money deposits in the hands of the Company together with the amount of debentures issued and remaining unpaid, shall not at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the said Company, and shall not exceed an amount equal to twice the paid-up capital of the Company. The debentures of the Company may be in the form in Schedule A to this Act, or to the like effect.

13. The said Company may, and are hereby empowered to demand and receive in advance the half-yearly interest from time to time accruing on any advances of money made by the said Company, under and by virtue of this Act.

14. The Company shall keep a book, to be called "The Mortgage and Debenture Book;" and in such book shall be fairly and distinctly entered from time to time the date, names, amount of mortgage money advanced, and other short particulars of every mortgage deed in their custody and possession, together with the number and amount and other short particulars of the debenture or debentures issued in respect thereof, which shall in no case exceed the amount so advanced on mortgage.

15. The Company shall on or before the fifteenth day of February in each year, transmit to the Minister of Finance a full and clear statement of their assets and liabilities on the day of the date thereof, and such statement shall contain, in addition to such other particulars as the Minister of Finance may require,—

1st. The amount of stock subscribed;

2nd. The amount paid in upon such stock;

3rd. The amount borrowed for the purposes of investments and the securities given therefor;

4th. The amount invested and secured by mortgage deeds;

5th. The value of real estate under mortgage.

Statement to be attested under oath,

16. And such statement shall be attested by the oath before some Justice of the Peace, of two persons, one being the President, Vice-President

President, or other functionary for the time being at the head of the Company, and the other the Manager or Auditor of the Company, each of whom shall swear distinctly, that he has such ability or office as aforesaid; that he has had the means of verifying, and has verified the statement aforesaid, and found it to be exact and true in every particular; that the property under mortgage has been set down at its true value, to the best of his knowledge and belief; and that the amount of the shares and debentures issued and outstanding, as he verily believes, is correct; and such statement shall be published by the Minister of Finance, in such manner as he shall think most conducive to the public good: and if any neglect to transmit such statement in due course of post, within five days after the day to which it is to be made up, the Company shall incur a penalty of one hundred dollars per diem; and if the same be not transmitted within one month after the said day, or if it shall appear by the statement that the Company is insolvent, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Company to have ceased; and if the Minister of Finance shall in any case suspect any such statement to be wilfully false, he may, depute some competent person to examine the books, and enquire into the affairs of the Company, and report to him on oath; and if by such report it shall appear that such statement was wilfully false, or that the Company is insolvent, or if the person so deputed shall report on oath that he has been refused such access to the books or such information as would enable him to make a sufficient report, the Minister of Finance may, by notice in the *Canada Gazette*, declare the business of the Company to have ceased; but in any of the cases in which discretionary power is given to the Minister of Finance to declare the business of the Company to have ceased, he may, before so doing, give notice to the Company, and afford the same an opportunity of making any explanation it may be advisable to make; and all expenses attending such periodical statements, and the publication thereof shall be borne by the Company.

and published.

Provision, if statement be not transmitted.

Minister may have books examined and declare business of the Company to have ceased.

Notice to the Company.

17. The President, Vice-President and Directors of the said Freehold Loan and Savings Company " shall have and exercise the powers, privileges and authorities set forth and vested in them by this Act and any other Act regulating the Company, and they shall be subject to and be governed by such rules, regulations and provisions as are herein contained with respect thereto, and by the by-laws to be made for the management of the said Company; and the Directors shall and may lawfully exercise all the powers of the Company except as to such matters as are directed by this Act to be transacted by a general meeting of the Company: the Directors may use and affix, or cause to be used and affixed the seal of the Company to any document or paper which in their judgment may require the same; they may make and enforce the calls upon the shares of the respective shareholders; they may declare the forfeiture of all shares on which such calls are not paid; they may make any payments and advances of money as they may deem expedient which are or shall, at any time, be authorized to be made for or on behalf of the Company, and enter into all contracts for

Powers of President and Directors.

Seal of Company.

Calls.
Forfeiture of shares.

Advances and contracts.

Management
of property.

General
powers.

for the execution of the purposes of the Company, and for all other matters necessary for the transaction of its affairs; they may generally deal with, treat, sell, and dispose of the lands, property and effects of the Company for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Company, as if the same lands, property and effects were held and owned according to the tenure, and subject to the liabilities, if any from time to time affecting the same, not by a body corporate, but by any of Her Majesty's subjects being of full age; they may do and authorize, assent to or adopt, all acts required for the due exercise of any further powers and authorities which may hereafter be, at any time, granted to the Company by the Parliament of Canada for the performance and fulfilment of any conditions or provisions from time to time prescribed by the said Parliament in giving such further powers and authorities or in altering or repealing the same respectively, or any of them.

Election of
Auditors,
their remuneration and that
of Directors.
Votes.

18. The choice and removal of the Auditors of the said Company, the determination as to the remuneration of the Directors and of the Auditors, shall be exercised at general meetings of the Company; and at all meetings of shareholders of the Company, the shareholders shall have one vote for each share held by them.

Appointment
of officers and
agents.

By-laws for
their regulation.

Proof of
by-laws.

19. It shall be lawful for the Directors from time to time to appoint such and so many officers, solicitors and agents, either in Canada or elsewhere, and so many servants as they deem expedient for the management of the affairs of the Company, and to allow to them such salaries and allowances as may be agreed upon between them and the Company; and in addition to their power heretofore granted, to make such by-laws as they may think fit for the purpose of regulating the conduct of the officers, solicitors, agents and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter and repeal any such by-laws and make others; provided such by-laws be not repugnant to law or to the provisions of this Act and former Acts affecting the Company: and all by-laws of the Company shall be reduced to writing, and shall have affixed thereto the common seal of the Company; and a copy of such by-laws shall be given to every officer and servant of the Company; and any copy or extract therefrom certified under the signature of the Secretary shall be evidence in all courts of justice in Canada of such by-laws or extract from them, and that the same were duly made, and are in force; and in any action or proceeding at law, criminal or civil or in equity, it shall not be necessary to give any evidence to prove the seal of the Company, and all documents purporting to be sealed with the seal of the Company, shall be held to have been duly sealed with the seal of the Company.

Act to be subject
to future
legislation.

20. The powers and privileges conferred by this Act shall be subject to any legislation, or the passage of any general Act, either of the present or of any future session of the Parliament of Canada.

Canada : Provided that nothing done by virtue or under authority of this Act in the mean time, and before such legislation or the passage of such general Act, shall be thereby prejudiced. Proviso.

SCHEDULE A.

FREEHOLD LOAN AND SAVINGS COMPANY.

Debenture No.

Transferable

\$

Under the authority of an Act of the Parliament of Canada
Vict., Chap.

The President and Directors of the Freehold Loan and Savings

Company promise to pay to
or bearer, the sum
of dollars on the
day of , in the year of
our Lord one thousand eight
hundred and , at
the Treasurer's office here,
with interest at the rate of
 per cent. per annum, to
be paid half yearly on pre-
sentation of the proper cou-
pon for the same as hereunto
annexed, say on the
day of , and the
day of , in each year,
at the office of the Treasurer
here (or at their Agent's in
London.)

COUPON.

FREEHOLD LOAN AND SAVINGS
COMPANY.

No. 1.

\$

Half yearly dividend due

of 18 , on Debenture No.

, issued by this Company on

the day of , 18 , for \$,

at per cent. per annum, payable

at the office of the Treasurer, Toronto,

(or at the Company's Agent's Lon-

don).

For the President and Directors.

A. B.

C. D.,

Secretary.

Dated at Toronto, the day of , 18 .

For the President and Directors of the Freehold Loan and
Savings Company.

C. D.,
Secretary.

A. B.

CHAP. 105.

An Act to incorporate "The Glasgow Canadian Land and Trust Company, (Limited)."

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS "The Glasgow Canadian Land and Trust Company, (Limited)." have, by their petition, represented that they have been organized and established with limited liability in accordance with the provisions of "*The Companies Acts, eighteen hundred and sixty-two and eighteen hundred and sixty-seven*," passed by the Imperial Parliament, as a public company and corporate body for the purposes stated in their memorandum of association, with a capital of two hundred and fifty thousand pounds sterling money, divided into twenty-five thousand shares of ten pounds each; that the memorandum and articles of association were duly registered as required by "*The Companies Act, eighteen hundred and sixty-two and eighteen hundred and sixty-seven*," on the thirtieth day of January eighteen hundred and seventy-three; and that the said petitioners are desirous that an Act should be passed to vest in the said petitioners all the powers contained in the said memorandum and articles of association throughout the Dominion of Canada; and whereas it is expedient to grant their prayer to the extent hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain rights and powers vested in the Company.

1. All such persons as now are or hereafter shall become members of the said Company and their respective executors, administrators and assigns shall be and are hereby constituted a body corporate and politic by and under the name and style of "The Glasgow Canadian Land and Trust Company, (Limited)," with full authority to exercise all the rights, powers and privileges within and throughout the Dominion of Canada hereinafter mentioned.

Corporate name.

When business may be commenced.

2. So soon as the sum of one hundred thousand dollars currency shall be actually paid in, upon the capital stock of the said Company, the said Company shall be entitled to exercise the rights, powers and privileges herein conferred.

Business of Company.

3. The powers hereby conferred on the said Company are the following:—

Purchase and disposal of land, &c.

1. The purchasing, leasing or otherwise acquiring lands, tenements, buildings, works or other real estate, mining property and mines, minerals and ores in any part of the Dominion of Canada, and the selling, mortgaging or otherwise disposing thereof: Provided always that the Company shall not have power to lease to others any lands or houses for agricultural purposes, nor to acquire any lands, tenements or buildings, works or other real estate.

Proviso.

ry of the Provinces of the Dominion, except Quebec and Manitoba, for any other than mining purposes ; nor shall they acquire greater quantity of land in either of the said Provinces of Quebec and Manitoba than fifty thousand acres ;

2. The excavating, raising and working the minerals and ores Mining.
found in and upon the said lands, or which may be separately
quired, the treating, converting, and preparing the said minerals
nd ores, and for that purpose the acquiring and using any patented
ethod or other process, and the selling and disposing of the
roducts ;

3. The acquiring, establishing and erecting of furnaces, build- Erection of
ings, works and machinery, the making, providing, acquiring, works.
leasing and working of railways, tramways or other roads neces-
sary for carrying out the above objects ;

4. The borrowing money upon debentures or otherwise, and the Issue of de-
issuing of debentures to an amount not exceeding two-thirds of bentures.
the capital from time to time paid up ;

5. The lending out money upon mortgages over lands, buildings, Lending on
tenements, works or other real or personal estate in the Dominion mortgage, &c.
of Canada, and making advances and giving credit, and negotiating
loans of all kinds ;

6. The appointment of commissioners, attorneys, trustees or Appointment
other officials for carrying out the objects of the Company abroad, of officials.
and the establishment of agencies both at home and abroad for
the purposes of the Company ;

7. The entering into and completing all conveyances, leases, Entering into
agreements, contracts and writings of every description, and the agreements.
doing of all such other things as shall be conducive or may be &c.
incidental to or connected with any of the above objects.

4. The liability of the shareholders of the Company shall be Liability
limited to the amount of their unpaid stock. limited.

5. The capital of the Company is two hundred and fifty thou- Capital.
sand pounds sterling, divided into twenty-five thousand shares of
ten pounds each ; and it shall be lawful for the said Company to
increase its capital stock to such sum not exceeding one million Increase of
pounds sterling, as a majority of the shareholders, at a meeting to capital.
be specially convened for that purpose, shall agree upon.

6. Every deed or instrument to which the seal of the corpora- Execution of
tion is required to be affixed, shall be signed by two Directors and deeds.
by the Manager or Secretary duly authorized by the Directors to
that effect, and such deeds and instruments so executed in Glasgow
shall be *prima facie* evidence in all courts in Canada of the con-
tents thereto ; and all deeds or instruments may be validly executed
in any part of Canada, for and in the name and on behalf of the
said

said Company, by any person or persons thereto authorized by power of attorney under the seal of the Company, signed by at least two of the Directors and the Secretary of the said Company.

Appointment
of local
Managers.

Service of
process.

7. The said Company shall appoint a local Manager in any of the Provinces of the Dominion wherein it may carry on business, by power of attorney to be deposited in the office of the Secretary of State; and in any suit or legal proceeding taken against the said Company in any of the Provinces, process may be served at the office of the local Manager for the said Province, or upon such local Manager personally.

Annual state-
ment to be
transmitted to
Minister of
Finance.

Returns to
Parliament.

8. The Company shall transmit annually to the office of the Minister of Finance a statement in duplicate, verified by the oath of the President, Secretary or Manager of the Company, or of any person cognizant of the facts setting forth the amount of capital or increased capital of the said Company by or under the provisions of this Act authorized or agreed upon, the amount of such capital subscribed, the amount of capital paid up and the number and amount of debentures issued by the Company,—every such statement to be transmitted in the course of the month of January and to be made up to the thirty-first day of December then last; and the said Company shall also, at all times when thereunto required by the Governor or by either House of Parliament, make a full return of their property for such period and with such details and other information as the Governor or either House of Parliament may require.

CHAP. 106.

An Act to incorporate The Canada Investment and Guarantec Agency.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS, the persons hereinafter named have, by their petition, prayed that they may be incorporated as a Company, under the title of the Canada Investment and Guarantec Agency, having for its object the guaranteeing of mercantile transactions of all kinds, bills of exchange, promissory notes, credits, accounts and loans, public and private securities; also, the purchase and dealing in the same; the borrowing and lending of money; the purchase and dealing in public stocks and securities, also in bonds, stocks and debentures of corporate bodies; the receiving and holding property in trust and exercising the office of trustees, and acting as agents for the investment of money and otherwise; and whereas it is expedient to grant the prayer of their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Hon. Henry Starnes, Hon. John Joseph Caldwell Abbott, Certain persons incorporated.
 dolphe Roy, Jackson Rae, Peter McEwan, R. A. Campbell, A.
 . Trottier, John Rollo Middlemiss, E. Chaplin, Nelson Davis, of
 ontreal, James K. Kerr, of Toronto, and all other and every
 person and persons, body and bodies politic as shall from time to
 me be possessed of any share or shares in the undertaking hereby
 uthorized to be carried on shall be united into a company, accor-
 ng to the powers and authorities, rules, orders and regulations
 ereinafter set forth or referred to, and shall be one body politic
 id corporate, by the name of the "Canada Investment and Gua- Corporate name and gen-
 ntee Agency;" and by that name shall have perpetual success on eral powers.
 id a common seal,—with power to break and alter such seal; and
 7 that name may sue and be sued, plead and be impleaded, in all
 urts, whether of law or equity, whatsoever.

2. The said above-named persons shall be Provisional Directors Provisional
 of the Company, and shall hold office as such until Directors of Directors to
 the Company are elected as hereinafter provided; and during the hold office
 the said Provisional Directors shall so hold office they shall be until election
 ested with the full powers, in every respect, of ordinary Directors. of Directors.
 The Company are hereby empowered to execute any contract Powers and
 y way of guarantee, indemnity or suretyship which a private business of the
 ndividual may make, including the guaranteeing by endorsement Company.
 r otherwise of the due payment of bills of exchange, promissory Guaranteeing.
 otes, credits, accounts and loans, and the due performance of
 mercantile transactions of all kinds; they may take, receive, Taking
 accept and hold any security or indemnity, real or personal, security
 against loss or injury from any guarantee or transaction hereby
 uthorized, which a private individual may take, receive and hold;
 they may also make loans and advances on their own account on Borrowing
 collateral securities of all kinds either real or personal, and, in the and lending.
 prosecution of such business and transactions, may borrow and
 loan, pay, advance and receive money, receive and hold property
 of all kinds in pledge and trust; they may, subject to the provi- Taking mort-
 sions specified hereafter, acquire mortgages and hypothecs upon gage or real
 and acquire, sell and convey real estate; may also, to secure any estate, vessels,
 dvance or guarantee they may make, acquire and hold security &c.
 upon any ship or vessel while building and when completed,
 ither by way of mortgage, hypothec, hypothecation, privilege or
 lien thereon, or purchase or transfer thereof in the same manner,
 with the same rights and subject to the same liabilities as indivi-
 duals have in the Province wherein such contract is entered into;
 they may also act as agents, brokers, and trustees for any person Acting as
 whomsoever and may as such borrow and lend, or otherwise in- agents, &c.
 vest in their own name, moneys on security or otherwise, hold, sell,
 transfer and deal in valuable securities, evidences of debt and pro-
 perty of all kinds both real and personal, such as shall, from time
 to time, be delivered to them as such agents, and may exercise all
 the rights which the parties so transferring or delivering the same
 might or could exercise; and the Company may give such guaran- Giving
 ce as may be agreed on for repayment of principal or interest, or security.
 with, of any such moneys, mortgages, hypothecs, securities or
 evidences of debt: Provided that the Company shall not invest Proviso.
 their

Proviso.

their own capital or funds in the stocks of chartered banks, building societies or incorporated companies of any kind; and provided always, that no rate of interest charged by the Company shall exceed the rate of eight per cent per annum.

Application of capital.

3. The Company are hereby empowered to lay out and invest their capital in the first place in defraying and discharging all costs, charges and expenses incurred in applying for and obtaining this Act, and all other expenses preparatory or relating thereto; and the remainder of such capital, or so much thereof as may from time to time be necessary, in the manner and for the purposes mentioned in this Act.

Deposit of funds of the Company not in use.

4. The funds of the Company shall, so far as possible when not in use, remain on deposit in the name of the Company in some chartered bank of this Dominion, and shall only be withdrawn therefrom on the joint cheque of the Manager and the President, or in his absence, the Vice-President of the Company, and on the performance of such other formalities as the Company may hereafter determine by by-law; or till the appointment of such Manager and President and Vice-President, on the cheque of the managing Provisional Director.

Directors may borrow money.

May execute mortgages, bonds, &c.

May not borrow beyond the amount of unpaid subscribed capital, without giving security.

5. The Directors may, from time to time, resolve at any meeting specially called for such purpose to borrow money on behalf of the Company, upon such rates of interest and upon such terms as they may, by such resolution, determine; and to effect such loan the Directors may authorize any two of their number or one and the Manager of the Company, to make and execute mortgages, bonds or other instruments under the common seal of the Company, as may be necessary, and to that end charge such property of the Company as they may by such resolution be authorized to so charge, by way of pledge, mortgage or hypothec, and may assign, transfer or deposit any of the documents of title, deeds, muniments, securities or property of the Company, and either with or without power of sale or other special provisions as the Directors at such meeting may deem expedient: Provided that the aggregate of the sum or sums so borrowed shall not at any time (except when security is given) exceed the amount of the subscribed capital of the Company for the time being not paid up; and no lender shall be bound to enquire into the occasion for any such loan or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

Extent to which the Company may hold real estate.

And acquire and dispose of the same.

6. The Company may hold such real estate as may be necessary for the transaction of their business, not exceeding in yearly value the sum of twenty thousand dollars in all, and such other real property as, being mortgaged or hypothecated to them, may be acquired by them for the protection of their interests; and the discretion of the Directors shall determine when it is necessary for the purposes of such protection to acquire such real estate, and they may from time to time sell, mortgage, hypothecate or otherwise dispose of the same: Provided always it is

inc

incumbent on the Company to sell any real estate so acquired in the prosecution of their business within five years of the date of its acquisition, excepting always what may be necessary for the transaction of their business within the value first mentioned in this section.

Proviso : as to land not held for its own use.

7. The head office of the Company shall be in Montreal, but the Company may have offices and agencies, and transact business in any part of the Dominion of Canada.

Head office to be in Montreal.

8. The capital stock of the Company shall be two million dollars, divided into twenty thousand shares of one hundred dollars each, of which at least one half shall be subscribed for, and at least one hundred thousand dollars shall be paid in before the actual transaction of business is proceeded with, and the remainder shall be called in at such times, and in such portions as the Directors deem advisable : Provided always that calls on the shareholders shall not be made at periods less than three months apart and shall, at each call, not exceed ten per cent of the stock subscribed. And when any shareholder shall have paid up twenty-five per cent of the stock subscribed for by him, no further call shall be made unless in the opinion of the Directors it is necessary for the payment of the debts and obligations of the Company, or unless the Directors are authorized at a special meeting of the shareholders called for that purpose, or at the regular annual meeting to make such further calls for the further promotion or requirements of the business of the Company.

Capital.
Shares.

Ten per cent to be paid before transacting business.
Calls.

Limitation of calls.

9. All shares in the capital of the Company shall be personal estate, and transmissible as such.

Shares to be personalty.

10. No member or shareholder of the Company shall be liable for, or charged with the payment of any debt or demand due from the Company, beyond the extent of his shares in the capital of the Company not then paid up.

Limitation of liability of shareholders.

11. Each shareholder shall be liable to pay the amount of any call made upon him in compliance with the conditions in section eight, to such person, and at such time and place as the Directors shall appoint.

Liability for calls.

12. The Directors shall give at least thirty days' notice before the day appointed for each call, by advertisement in one or more Montreal newspapers and by notice sent by mail to each shareholder.

Notice before each call.

13. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed ; and if a shareholder shall fail to pay any call due by him, before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of seven per cent. per annum, from the day appointed for payment to the time of actual payment thereof.

When a call shall be considered as made.

Interest on unpaid calls.

Notice to
shareholders
in default,

14. If any shareholder fail to pay any call on the day appointed for the payment thereof, the Directors may, at any time thereafter during such time as the call may remain unpaid, serve a notice on him requiring him to pay such call, together with any interest that may have accrued due thereon by reason of such non-payment; and such notice shall name a day (not being less than twenty-one days from the date of such notice) and a place on and at which such call and interest and any expenses that may have been incurred by reason of every such non-payment are to be paid; and such notice shall also state that, in the event of non-payment at or before the time and at the place so appointed as aforesaid, the shares in respect of which such call was made will be liable to be forfeited.

That their
shares will be
forfeited if
calls are not
paid.

In default of
payment
Directors may
declare shares
forfeited.

15. If the requisitions of any such notice are not complied with any share in respect of which such notice has been given may, at any time thereafter before payment of all calls, interest and expenses due in respect thereof, be forfeited, by a resolution of the Directors to that effect.

Forfeited
shares to be
the property
of the Com-
pany.

16. Every share which shall be so forfeited shall be deemed the property of the Company, and may be disposed of, sold or re-allotted upon such terms as the Directors shall think fit.

What shall be
sufficient title
to purchaser
of forfeited
shares.

17. A declaration in writing by the Secretary or other thereto duly authorized officer of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any shares, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated, as against all persons entitled to such share; and such declaration and the receipt of the Company for such price of such share shall constitute a good title to such share, and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered in the register of shareholders in respect thereof; and he shall not be bound to enquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

Reservation of
stock after one
million sub-
scribed.

18. The Directors shall have the right, should they deem it advisable after one million dollars have been subscribed, to reserve the issue of the remaining one million dollars of stock until such time as they shall deem it advisable to reopen the stock books of the Company.

When a gen-
eral meeting
of share-
holders may
be called.

19. When and so soon as at least one half of the capital stock shall have been subscribed, and ten per cent. of the amount so subscribed paid in, the said Provisional Directors may call a general meeting of shareholders at some place in the City of Montreal, giving at least four weeks' notice of the time and place for holding such meeting, by publishing the same in the "*Canada Gazette*" and also in some daily newspaper published in the said

Notice.

Montreal; at which general meeting the shareholders present or represented by proxy, shall elect nine Directors, who shall constitute a Board of Directors, and shall hold office until the first Wednesday in July in the year following their election.

20. The said Directors shall be shareholders, residing in Canada, and they shall be elected—except as above provided—at the annual general meeting of shareholders, to be holden in Montreal on the first Wednesday in July in each year, or such other day as may be appointed by by-law,—not less than four weeks' notice of such meeting being given as provided in the next preceding section; and all elections of Directors shall be held and made by such of the shareholders present or represented by proxy as shall have paid the ten per cent. above prescribed, and all calls made by the Directors and then due; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if there be any doubt or difficulty in such election, by reason of two or more persons receiving an equal number of votes, then there shall be a re-ballot, as between such persons, which re-ballot may be repeated as often as deemed advisable by the meeting; or instead of a re-ballot, the Directors as to whose election there is no doubt or difficulty may, if deemed advisable by the meeting, determine by ballot which of the persons having an equal number of votes shall be Director or Directors; and the said Directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be President, and one to be Vice-President,—but shareholders not residing within the Dominion of Canada shall be ineligible, and if any Director shall move his domicile out of Canada or shall be absent from Canada more than six months at a time without the consent of his co-directors, his seat shall thereby become vacant; and if any vacancy shall at any time happen amongst the said Directors, by death, resignation, disqualification or removal or otherwise, during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or a majority of them electing in such place or places a shareholder or shareholders eligible for such office: Provided that no person shall be eligible to be or continue as Director, unless he shall hold, in his own name and for his own use, stock in the said Company to the amount of fifty shares, whereof at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liability incurred by him to the said Company: Provided further that, notwithstanding any thing in this Act contained, it shall be competent to the shareholders at any special or general meeting to reduce to not fewer than seven, or to increase to not more than thirteen the number of Directors. And in case it should at any time happen that an election of Directors of the said Company should not have been made on the day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed dissolved; but it shall be lawful on any other day to hold and have election in such manner as may be regulated, directed and appointed by the Directors for the

Directors to be elected,

Who may be Directors, When and where to be elected.

Notice of meeting.

Who may vote.

Voting to be by ballot.

If two or more persons receive an equal number of votes.

Election of President and Vice-President.

Directors must reside in Canada.

Vacancies, how filled.

Qualification of Directors.

Number of Directors may be reduced to seven.

Or increased to thirteen.

Provision, if election of Directors be not made on the day appointed.

the time being ; and the Directors in office shall so continue until a new election is made.

Quorum of
Directors.

Majority to
decide.

21. At all meetings of Directors, a majority of the whole Board shall be a quorum for the transaction of business ; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote.

Power of
Directors to
make by-laws
for certain
purposes.

22. The Directors shall have full power and authority to make and, from time to time, alter such by-laws, rules and regulations and ordinances as shall appear to them proper and needful touching the well ordering of the Company. They shall also have full power and authority over the management and disposition of its stock, property, estates and effects ; the regulation of the rates, terms, and conditions on which all the business of the Company shall be undertaken and conducted ; the calling of special general meetings ; the regulation of the meetings of the Board of Directors ; the appointment and removal of sub-boards to facilitate the details of business, and the definition of the duties and powers of the sub-boards ; the making of calls upon the subscribed capital, subject to the limitation hereinbefore set forth ; the appointment and removal of all officers and agents of the Company, the regulation of their powers and duties, and the salaries to be paid to them ; the regulation of the transfer of the stock and the form thereof ; the compensation of Directors ; the establishment and regulation of agencies : and generally the Directors may, in addition to the powers expressly conferred upon them, exercise all such powers, give all such consents, make all such engagements and agreements and do all such acts and things as are and shall be necessary and proper for the due management of the affairs of the Company, and for carrying out the provisions of this Act according to its true meaning and spirit : Provided always that all such by-laws, rules, regulations and ordinances may be varied, altered or cancelled at the next annual general meeting, and shall be presumed to have been approved of by such meeting, except in so far as they shall be varied, altered or cancelled, and shall thereafter have force and effect as if approved : Provided further that no such variation, alteration or cancellation shall invalidate anything done in pursuance or by virtue of such by-laws, rules, regulations and ordinances, or injuriously effect the position or rights of any person ; and provided further that such by-laws do not contravene the provisions of this Act : and all such by-laws shall be open to communication by the public at all reasonable times.

Proviso.

Proviso.

Dues on for-
feited shares
to be paid.

23. Any shareholder whose shares have been forfeited shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of the forfeiture.

Acts of
Directors to
be valid not-
withstanding
defects in their
appointment.

24. The acts of the Directors, or of any committee appointed by the Directors shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such

rectors or any member of such committee, or that they or any of them were or was disqualified, be as valid as if such person had been duly appointed and was qualified to be a Director.

25. Every Director of the Company and his heirs, executors and administrators, and estate and effects respectively shall, from time to time and at all times, be indemnified and saved harmless out of the funds of the Company, from and against all costs, charges and expenses whatsoever which he shall or may sustain or incur, in or about any action, suit or proceeding, which shall be brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he shall sustain or incur, in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default.

Indemnity to Directors.
Exception in cases of wilful neglect or default.

26. Every Director of the Company and his heirs, executors and administrators, and estate and effects respectively, shall be charged and chargeable only with so much money as he shall actually receive, and shall not be answerable or accountable for his co-directors, or any or either of them, but each of them for his own acts, deeds and defaults only; nor shall the Directors or any of them respectively be answerable or accountable for any person or persons who may be appointed, under or by virtue of any such Act, by-laws or articles of association as aforesaid, or otherwise under and by virtue of the rules and regulations of the said Company for the time being in force, to collect or receive any moneys payable to the Company, or in whose hands any of the money or properties of the Company shall or may be deposited or lodged for safe custody, nor for the insufficiency or deficiency of any title to any property which may, from time to time, be purchased, taken or leased or otherwise acquired by order of the Directors, or otherwise for or on behalf of the Company; nor for the insufficiency or deficiency of any security, in or upon which any of the moneys of the Company shall be invested; nor shall any Director be answerable for any loss, damage or misfortune whatsoever, which shall happen in the execution of the duties of the office of such Director or in relation thereto, unless the same shall happen through his own wilful neglect or default.

Directors answerable for their own acts only.
Not liable for persons acting under them.
Nor for insufficiency of title, security, &c.
Exception of wilful default.

27. It shall be the duty of the Directors of the Company to declare and make quarterly or half-yearly dividends of so much of the profits of the Company as to the majority of them may seem advisable; and to give public notice of the payment of such dividends at least ten days previously.

Dividends.

28. The profits of the Company, so far as the same shall extend, shall be divided and disposed of in manner following; videlicet: there shall, in the first place, be set apart, for the purpose of forming a Reserve Fund to meet contingencies, or for equalising dividends, such sum not less in any year than two and a-half per centum

How profits are to be disposed of. Reserve fund.

centum upon the actual profits of the business of such year as the Directors shall, from time to time, think fit; and the residue of such profits shall be divided amongst the shareholders, and in such manner as the Directors shall determine.

No dividend
to impair
capital.

29. The Company shall not make any dividend whereby their capital stock will be in any degree reduced; and in the event of any loss being incurred whereby the amount of their paid up capital shall be diminished, no further dividend shall be paid until the amount of such loss shall have been made up.

Lien of
Company
thereon.

30. The Directors may deduct from the dividends payable to any shareholder, all such sums of money as may be due from him to the Company on account of calls or otherwise.

Directors may
appoint
Trustees.

31. The Directors may, from time to time, appoint one or more members of their Board to accept and hold any lands or property in trust for the Company, and shall cause all such deeds and things to be made and done as shall be requisite to vest such lands or property in the person or persons so appointed; and they may, from time to time, remove any such person or persons and appoint another or others instead.

Form of
conveyance by
the Company.

32. All conveyances to be made by the Company under or by virtue or in pursuance of the several powers and authorities given to it by this Act, may be made according to the form in the Schedule A to this Act annexed, or as near thereto as circumstances will admit, and may be either by indenture under seal or before a notary, as may be most in accordance with the laws of the portion of the Dominion within which the real estate intended to be conveyed shall be situate.

Form of
mortgage or
bond to the
Company.

33. Every mortgage and bond for securing money borrowed from the Company shall be by deed, wherein the consideration shall be duly stated; and every such mortgage or bond may be according to the form in Schedule B to this Act annexed, or as near as circumstances will admit, and may be executed under seal or before Notaries Public as shall be most in accordance with the laws of the portion of this Dominion within which the real estate intended to be mortgaged shall be situate; and in the Province of Quebec, obligations with *hypothèques* in favor of the Company, may be executed according to such form and in such manner as is now recognized by law in that section of this Dominion as being valid and effectual.

Shareholders'
votes.

34. At all general meetings of the Company, each shareholder shall be entitled to give one vote for every share held by him, upon which all calls then due have been paid, for not less than fourteen days prior to the time of voting. Such votes may be

Proxies.

given either in person or by proxy,—the holder of any such proxy being himself a shareholder and qualified to vote. And all

Majority to
decide.

questions proposed for the consideration of the shareholders shall be determined by the majority of votes,—the chairman presiding.

at such meeting having the casting vote in case of an equality of votes: Provided that no salaried officer, except Directors, and no paid clerk or other employé of said Company shall vote either in person or by proxy at the election of Directors. Proviso-

35. At every annual meeting of the shareholders the outgoing Directors shall submit a clear and full statement of the affairs of the Company, shewing in detail on the one hand the debts, liabilities and engagements of the Company, and on the other the assets and resources thereof. They shall also exhibit a full statement of the extent and value of the securities held by the Company and such other information as will enable the shareholders to judge of the true position of the Company and its transactions. Statement of affairs at annual meetings.

36. The Company shall keep in a book or books a register of the shareholders of the Company, and therein shall be fairly and distinctly entered from time to time the following particulars:—the names and addresses and the occupations, if any, of the shareholders of the Company, and the number of shares held by each shareholder, distinguishing each share by its number, and the amount paid or agreed to be considered as paid on the shares of each shareholder; and such book or books shall be open to the public at all reasonable times. Register of shareholders to be kept.

37. The Company shall transmit annually to the Minister of Finance, a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting out the capital stock of the Company, the proportion thereof paid up, the assets and liabilities of the Company, the amount of property held by them as trustees, agents or brokers, and such other details as to the nature and extent of the business of the Company as may, from time to time, be required by the said Minister of Finance, or in pursuance of any general Act of Parliament passed to regulate trust companies; and such statement shall be made up to the thirty-first of December in each year. Yearly statement to be sent to the Minister of Finance.

38. The register of shareholders shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein. Register to be evidence.

39. Notice of any trust, expressed, implied or constructive, may be entered on the register, but such entry shall not in any way affect the Company. Notices of trusts.

40. When any person makes application in writing signed by him for an allotment of shares, and any shares or share are or is allotted to him in pursuance of such application, he shall be deemed conclusively to have agreed to become a shareholder of the Company in respect of the shares so allotted, and he shall be entered on the register of shareholders in respect thereof accordingly. Persons to whom shares are allotted to be deemed members.

Shares in the name of two or more persons.

41. If any share stands in the name of two or more persons, the first named in the register of such persons shall, as regards voting at meetings, receipt of dividends, service of notices, and all other matters connected with the Company (except transfer) be deemed the sole holder thereof; no share in the Company shall be subdivided.

Services on the Company.

42. Any summons, notice, order or other document, required to be served upon the Company, may be served by leaving the same at the office of the said Company in Montreal.

Authentication of notices by the Company.

43. Any summons, notice, order or proceeding, requiring authentication by the Company, may be signed by any Director, Manager, Secretary or other authorized officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print or partly in writing and partly in print.

Service of notice by the Company on members.

44. Notices required to be served by the Company upon the shareholders may be served either personally or by leaving the same for, or sending them through the post in prepaid letters, addressed to the shareholders at their registered places of abode.

Notices to members sent by post.

45. A notice or other document served by post by the Company on a shareholder shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed, and was put into the post office, and the time when it was put in, and the time requisite for its delivery, in the ordinary course of post.

Notice to joint shareholders.

46. All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of such persons is first named in the register of shareholders; and notice so given shall be deemed sufficient notice to all the proprietors of such share.

Notices binding on transferees.

47. Every person who, by operation of law, transfer or other means whatsoever, shall become entitled to any share shall be bound by any and every notice which, previously to his name and address being entered upon the register of shareholders in respect of such share, shall have been given to the person from whom he shall derive his title.

Register books for transfers.

48. There shall be a book called the register of transfers provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the Company.

As to transfers by debtors to Company.

49. The Directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the Company.

Transfers how to be executed.

50. Every instrument of transfer of any share in the Company shall be executed by the transferer and transferee, and the

er shall be deemed to remain the holder of such share, and a shareholder of the company in respect thereof, until the name of the transferee shall be entered in the register of shareholders in respect thereof.

51. Shares in the Company shall be transferred in the form in the Schedule C. to this Act annexed. Form for transfer.

52. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any shareholder or in consequence of the marriage of any female shareholder may be registered as a shareholder, upon such evidence being produced as shall from time to time be required by the Directors, and on production of a declaration and request in writing, in that behalf, signed by him, which declaration shall distinctly state the manner in which and the party to whom such shares shall have been transmitted; and the signature thereto shall be attested by at least one witness, whom the said Company may require to be a judge of a court of record, or the mayor, provost or chief magistrate of a city, town, borough or municipality, or a public notary or, if from a foreign country, by the British consul or vice-consul or other accredited representative of the British Government in the country where the declaration shall be made, which shall be conclusive evidence of his having agreed to become a shareholder. Transfer by bankruptcy, marriage of female members, &c.
How proved.

53. Any person who has become entitled to a share in consequence of the death, bankruptcy or insolvency of any shareholder, or in consequence of the marriage of any female shareholder may, instead of being registered himself, elect, by declaration of transmission to be made and executed as hereinbefore and hereinafter provided, to have some person, to be named by him, registered as a shareholder in respect of such share. Nominee of representative of deceased, &c.

54. The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share. Transfer to nominee.

55. Every such instrument of transfer shall be presented to the Directors, accompanied by such evidence as the Directors may require to prove the title of the transferer, and shall be retained by the Company. Evidence of transfer.

56. Any transfer of the share or other interest of a deceased shareholder made by his personal representative shall, notwithstanding such personal representative may not himself be a shareholder, be of the same validity as if he had been a shareholder at the time of his execution of the instrument of transfer. Transfer by personal representative.

57. There shall be paid in respect of every transfer or transmission of shares such fee, not exceeding fifty cents, as the Directors shall, from time to time, prescribe. Fee for transfer.

Declaration in
actions against
members.

58. In any action to be brought by the Company against any shareholder to recover any money due by him in his character as shareholder, for any call or on any account, it shall not be necessary to set forth the special matter; but it shall be sufficient for the Company to declare that the defendant is a shareholder of the Company, and is indebted to the Company in respect of one call or more or other money due, whereby an action hath accrued to the Company by virtue of this Act.

What matters
only need be
proved in
action for
calls.

59. On the trial of any such action for the recovery of money due for a call, it shall be sufficient to prove that the defendant, at the time of the making of such call, was a shareholder of the Company, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call, with interest thereon at the rate aforesaid.

Members
may be
witnesses.

60. In all legal proceedings in which the Company is interested or to which it is a party, any shareholder may be examined as a witness.

Who may
prove claims
by the
Company in
cases of
bankruptcy.

61. In all cases of insolvency or bankruptcy of any person or persons who shall be indebted to the Company or against whom the Company shall have any claim or demand, it shall be lawful for any person who shall, from time to time, in that behalf be appointed, by writing under the hand of any one or more of the Directors, and the Managing Director of the Company, for the time being, to appear and he is hereby authorized to appear and act on behalf of the Company in respect of any such claim, debt or demand, before any judges, courts of law, assignees or commissioners or other authorities appointed to act in such cases, either personally or by his affidavit sworn and exhibited in the usual manner, in order to prove and establish any such debt, claim or demand; and such person to be so appointed shall, in all such cases, be admitted and allowed to make, prove or tender a claim on behalf of the Company in respect of such debt, claim or demand, and shall have such and the same powers and privileges as to voting in the choice of assignees, and signing certificates and otherwise in respect of any such debt admitted to be proved on behalf of the Company, as any other person, being a creditor of such bankrupt in his own right, would have in respect of the debt proved by him, except as regards signing or becoming party to a consent to such bankrupt's discharge or a deed of composition and discharge in his behalf, to do which such person must have the express authority of the Directors by a resolution to that effect.

Powers of
persons so
proving any
claim of the
Company.

Acts of the
Company's
agents valid.

62. Notwithstanding anything in this Act contained every deed which any person lawfully empowered in that behalf by the Company as their attorney signs on behalf of the Company and seals with his seal, shall be binding on the Company, and have the same effect as if it was under the common seal of the Company.

68. In this Act the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say: words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include the feminine; the word "month" shall mean a calendar month; the word "secretary" shall include the word "clerk"; the word "lands" shall extend to mesquages, lands, tenements, hereditaments and real estate generally of any tenure; the expression "the Company" shall mean the Canada Investment and Guarantee Agency in this Act mentioned and described; the expression "the Directors" and "the Secretary" shall mean the directors and the secretary respectively, for the time being, of the said Company.

Interpretation
clause.

Month.

Secretary.

Lands.

Company.

Directors.
Secretary.

SCHEDULE A.

Form of Conveyance.

By virtue of an Act of the Parliament of Canada, passed in the year of the Reign of Queen Victoria, intituled *(here set forth the title of this Act)* we, the Canada Investment and Guarantee Agency in consideration of the sum of to us paid by A. B., of do hereby grant to the said A. B., his heirs and assigns, all *(describing the premises to be conveyed)* together with all the ways, rights and appurtenances thereunto belonging, and all such estate, right, title and interest in and to the same, as we, the said Company, are or shall become possessed of, or are by the said Act empowered to convey; to hold the said premises to the said A. B., his heirs and assigns for ever.

Given under the common seal of the said Company, this day of , in the year of our Lord

SCHEDULE B.

Form of a Mortgage Deed.

By virtue of an Act of the Parliament of Canada, passed in the year of the Reign of Queen Victoria, intituled *(here insert the title of this Act)* I, A. B., of in consideration of the sum of paid to me by the Canada Investment and Guarantee Agency do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, all *(describing the real or personal property to be conveyed)* and all

such estate, right, title and interest in and to the same, as I am or shall become or be possessed of; to hold the same to the said Company their successors and assigns forever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of on the day of , with interest for the same at the rate of for every \$100 by the year, payable half-yearly on the day of and the day of in every year; (*add any special powers which may be agreed on.*)

In witness whereof I have hereunto set my hand and seal the
day of in the year of Our Lord

SCHEDULE C.

Instrument of Transfer of Share, Canada Investment and Guarantee Agency.

I, A. B., of do hereby for value, transfer to C. D., of , share (or shares) now standing in my name in the books of the above named Company, to hold to him, his executors, administrators and assigns, subject to the conditions on which I now hold the same; and I, the said C. D., by this writing, accept the said share (or shares) subject to the conditions aforesaid, and agree to become a shareholder of the said Company, as witness our respective hands this day of in the year of Our Lord .

A. B.
C. D.

Signed by the above named A. B.
and C. D., respectively, in the presence of
E. F.

CHAP. 107.

An Act to amend the Acts incorporating the London and Canadian Loan and Agency Company [Limited].

[Assented to 23rd May, 1873],

Preamble.

WHEREAS the London and Canadian Loan and Agency Company (limited), incorporated by the Legislature of the late Province of Canada by an Act passed in the twenty-seventh year of Her Majesty's reign, chaptered fifty, amended by an Act passed in the thirty-fifth year of Her Majesty's reign, chaptered

one hundred and eight, have, by their petition, prayed that the said Acts may be amended and further powers conferred upon them; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The fifth section of the said firstly cited Act is hereby amended by substituting therein the word “dollars” for the word “pounds sterling.” Section 5 of 27 V., c. 50, amended.

2. The last clause of the twelfth section of the said firstly cited Act, with regard to the rights of members and others to peruse the register of securities, is hereby repealed. Section 12 amended.

3. The nineteenth section of the said firstly cited Act is hereby repealed, and the following substituted in lieu thereof:—“Notice of any trust expressed, implied or constructive, entered on the books of the Company shall not in any way affect the Company.” Section 19 repealed; new section.

4. The twenty-seventh section of the said firstly cited Act is hereby amended by substituting the words “six per cent.” for the words “five per cent.” in the last clause thereof. Section 27 amended.

5. Whenever in the said firstly cited Act the words “register of members” occur, the words “stock register” are hereby substituted. “Stock register.”

6. The thirty-first section of the said firstly cited Act and the schedule thereto are hereby repealed, and the Directors shall have power to prescribe the form for the transfer of shares. Section 31 repealed.

7. The forty-fourth section of the said firstly cited Act is hereby repealed. Section 44 repealed.

8. The proviso in the sixth section of the said secondly cited Act is hereby repealed. Proviso: to s. 6 of 35 V., c. 108, repealed.

9. In addition to the powers conferred by the said sixth section, it shall be lawful for the said Company, either on their own behalf or on behalf of others, to lend money on any real or personal security or both, and to purchase and acquire personal securities and evidences of debt other than the stocks of incorporated companies, and the same to resell as they may deem advisable, and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect. Additional powers granted to the Company.

10. The seventh section of the said secondly cited Act is hereby amended by striking out therefrom the words “being not less than six months.” Section 7 of 35 V., c. 10 amended.

11. Notwithstanding anything in the said Acts contained, the Company may stipulate for, take, reserve, and exact any rate of interest agreed for, Company may recover any rate of interest

interest or discount that may be lawful in the place where the contract for the same shall be made, and shall not, in respect thereof, be liable for any loss, penalty or forfeiture, on any account whatever.

When sects. 8 and 9 shall come into force.

12. The second and ninth sections of this Act shall not come into force until the same shall have been ratified by a majority of the shareholders present at an annual or other general meeting of the Company, and notice of such proposed ratification shall be given to the shareholders in the usual manner prior to such meeting.

Sect. 76 of 27 V., c. 50, repealed, and new provision substituted.

12. The seventy-sixth section of the said firstly cited Act is hereby repealed, and in lieu thereof it is enacted that the Company shall transmit annually to the Minister of Finance a statement in duplicate, verified by the oath of the President, Manager or Secretary, setting out the capital stock of the Company and the proportion thereof paid up, the assets and liabilities of the Company, the amount and nature of the investments made by the Company both on their own behalf and on behalf of others and the average rate of interest derived therefrom, distinguishing the classes of securities, the extent and value of the lands held by them, or for which they are acting as agents, and such other details as to the nature and extent of the business of the Company as may be required by the Minister of Finance: Provided always that in no case shall the Company be bound to disclose the names or private affairs of any persons who may have dealings with them.

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CHAP. 108.

An Act to grant additional powers to the Quebec and Gulf Ports Steamship Company.

[Assented to 23rd May, 1873.]

Preamble.

27-28 V., c. 23.

WHEREAS the Quebec and Gulf Ports Steamship Company incorporated by charter granted under the provisions of the Act of the Parliament of the late Province of Canada, twenty-seventh and twenty-eighth Victoria, intituled: "*An Act to authorize the granting of Charters of Incorporation to Manufacturing, Mining and other Companies*," have by their petition represented that they have not sufficient power under their charter to enable them to carry on and extend their business, and have prayed for a special Act of incorporation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. All persons who are now shareholders in the Quebec and Gulf Ports Steamship Company, or shall at any time hereafter

shareholders in the said Company under the provisions of the by-laws made under the authority thereof, and successors shall be a body corporate and politic, with perpetual succession and a common seal, by the name of the "Quebec Gulf Ports Steamship Company;" and by that name may sue and be sued, plead and be impleaded in all Courts, whether of law or equity.

Corporate name and general powers.

The capital stock of the said Company shall be two million five hundred thousand dollars divided into twenty-five thousand shares of one hundred dollars each, two hundred and ninety-five thousand dollars of which has been allotted: the balance of the capital not yet allotted may be issued in such manner as the directors may, from time to time, direct; provided that no issue of stock shall be made unless authorized by a majority of the shareholders, at a meeting specially called by advertisement notice of the object of such meeting.

Capital stock and shares.

As to stock not yet allotted. Proviso.

The Company shall have power to own, build, buy, sell and charter ships, steamboats and other vessels, and to employ them in any lawful business whatsoever and wheresoever; also to own, lease, buy, sell or lease wharves, roads, stores, buildings or property required for their own business: Provided always that the annual value of all such wharves, roads, stores, buildings or property owned or held by the Company, in any one city or district at any one time, shall not exceed twenty-five thousand dollars.

Powers and business of the company.

Proviso: as to real estate.

The affairs of the Company shall be managed by a Board of Directors, not more than seven nor more than nine Directors, three of whom shall constitute a quorum; the shareholders shall, at the first annual meeting after the passing of this Act, before proceeding to the election of Directors, declare by resolution the number of the Directors.

Board of Directors.

Number.

No person shall be eligible as a Director hereafter unless he is the owner of stock, absolutely in his own right, to the value of one share, the shares paid up in full.

Qualification of Directors.

The Directors shall be elected annually by the shareholders at a general meeting called for that purpose at their office in the City of Quebec, and shall remain in office until their successors are elected; notice shall be sent to each shareholder, and a notice shall be inserted in one English and one French newspaper, published in the City of Quebec, at least ten days before the day of the election; the election shall be held on any day between the first day of February and the fourteenth day of March, in any year, and at such place as may be appointed by resolution of the Directors; any vacancy in the Board of Directors occasioned by death, resignation, disqualification or absence from the Province for a period of six months without the sanction of the shareholders shall be filled by such person or persons duly qualified as Directors may appoint.

Election of Directors.

Vacancies, how filled.

Notice of
general
meetings.

7. Notice of the time and place for holding all general meetings shall be given in the same manner as that for the election of Directors.

Votes.

8. At all general meetings of the Company for the election of Directors or transaction of any other business, every shareholder shall be entitled to as many votes as he owns shares in the Company: Provided however that no such shareholders shall be entitled to vote on any shares which are in arrears of calls: shareholders may vote by proxy, provided such proxy is a shareholder duly entitled to vote.

Proviso.

Proxies

Annual state-
ment of
affairs.

9. An exact statement of the affairs, debts and assets of the Company up to the thirty-first day of December in each year shall be submitted to the shareholders at each annual meeting.

Auditors.

10. Two shareholders, not being officers or Directors of the Company shall be elected at each annual meeting to audit the books and accounts for the preceding year.

Ballot.

11. At all elections of Directors the voting shall be by ballot.

Election and
appointment
of officers,

12. The Directors shall, within two days after their election, elect from amongst themselves a President and Vice-President, and shall also name and may remove at pleasure all other officers of the Company; the President may vote at all meetings of Directors, and, in case of an equal division of votes, shall also have a casting vote.

Who shall
preside at
meetings.

13. The President, or in his absence the Vice-President, shall preside at all meetings of the Board or of the shareholders; in the absence of both, a chairman shall be named by the meeting from the Directors present.

Provision in
case of failure
of any election.

14. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose.

Directors to
administer
affairs.

By-laws: and
for what pur-
poses.

15. The Directors of the Company shall have full power in all things to administer its affairs, and may make or cause to be made for the Company any description of contract which the Company may by law enter into; and may pass such resolutions and make such regulations and by-laws as shall appear to them proper and necessary, to regulate the allotment of the unissued stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock; the declaration and payment of dividends; the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that of the Directors; the time at which and the place or places where

annual meetings of the Company shall be held and where the business of the Company shall be conducted, the calling of meetings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies and the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by-law, and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or enact the same; but every by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Company duly called for that purpose, shall only have force until the next annual meeting of the Company; and in default of confirmation thereat, shall from that time only cease to have force; and a register of all such by-laws shall be kept by the Company, which shall be open to the inspection of the public at all reasonable times.

Power to
repeal, amend,
&c.
Proviso, for
approval by
shareholders.

16. The stock of the Company shall be deemed personal estate, and shall be transferable in such manner only and subject to all such conditions and restrictions as by this Act or by the by-laws of the Company shall be prescribed.

Transfer of
shares.

17. The Directors of the Company may call in and demand from the shareholders thereof respectively all sums of money by them subscribed, at such time and places and in such payments or instalments as the resolution of the Directors or the by-laws of the Company may require or allow; and interest, not exceeding eight per cent. per annum, may be charged upon the amount of unpaid calls from the day appointed for the payment of such calls; and no dividend shall be declared or paid on any shares in arrears for unpaid calls.

Calls on
shares.

To bear
interest if
not paid.

18. The Company may enforce payment of all calls and interest thereon by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted for the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each whereby an action hath been sued to the Company under this Act; and a certificate under the seal of the Company, and purporting to be signed by an officer of the Company, to the effect that the defendant is a shareholder and that so much is due by him and unpaid thereon, shall be received in the courts of law and equity within the Dominion as *prima facie* evidence to that effect.

Recovery of
calls: what
only need be
alleged or
proved.

19. If, after such demand or notice as by the resolution of the Directors or the by-laws of the Company may be prescribed, any sum payable upon any share or shares be not paid within such time as may be limited by such resolution or by-laws may be limited in that behalf, the Directors in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may forfeit any shares.

Forfeiture of
shares for no
payment of
calls.

shares whereon such payment is not made in the manner provided by any by-law of the Company for such purpose; and the same shall thereupon become the property of the Company, and may be disposed of as by by-law or resolution they shall ordain.

When shares shall be transferable.

20. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon or sold under execution.

Books to be kept recording certain facts.

21. The Company shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded—

The names of all persons who are or have been shareholders:

The address and calling of every such person while such shareholder :

The number of shares of stock held by each shareholder :

The amounts paid in and remaining unpaid respectively on the stock of each shareholder :

All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof:

The names, addresses and calling of all persons who are or have been Directors of the Company, with the several dates at which each became or ceased to be such Director.

Directors may disallow entry of transfer in certain cases.

22. The Directors may refuse to allow the entry in any such books of any transfer of stock whereof the whole amount has not been paid in; and no transfer, made with the view of relieving the transferer from pre-existing debts of the Company, shall be valid or prevent any antecedent creditor from exercising his remedy against such transferer in the same way as if he had continued to be a shareholder in such Company.

Further provisions as to transfer of shares.

23. No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereon toward each other, and as rendering the transferee liable *interim* jointly and severally with the transferer to the Company and their creditors, until entry thereof has been duly made in such book or books. No stock shall be transferable till all calls due thereon have been paid; no transfer of a fraction of a share shall be allowed.

Examination of books by shareholders.

24. Every shareholder shall be permitted to examine the books or other documents of the Company.

Company not bound to see

25. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in relation to the shares.

any shares; and the receipt of the shareholder in whose name to the execution of trusts. same may stand in the books of the Company, shall be a valid binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

26. Every contract, agreement, engagement or bargain made, Execution of contracts &c., and every mortgage executed, and every debenture, bill of exchange, promissory note and cheque made, drawn or endorsed on the part of the Company, by any agent, officer or servant of the Company. Company in accordance with any resolution or regulation, and with his powers as such under the by-laws of the Company, shall be binding upon the Company; and the party so acting as agent, officer or servant of the Company, shall not be thereby subjected individually to any liability whatsoever, to any third party thereon: Provided always that nothing in this section shall be construed to authorize the Company to issue any promissory note for less sum than one hundred dollars or any promissory note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank. Proviso.

27. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable, with costs against such shareholder, to the extent of the amount by him due on his shares. Liability of shareholders until stock is paid up.

28. The shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the Company, beyond the amount due by them on their respective shares in the capital stock thereof. Liability limited.

29. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee shall be personally subject to liability as a shareholder; but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward or interdicted person or the person interested in such trust fund would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly. Liability of executors &c.
Persons holding stock as security.

30. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands, at all meetings Votes by representation.

ings of the Company, and may vote accordingly as a shareholder or may appoint any shareholder to act as his proxy.

Declaration of dividend when company is insolvent to entail responsibility on Directors.

Proviso.

31. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at or as near as may be possible to the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

No loan to be made to a shareholder.

32. No loan shall be made by the Company to any shareholder, and if such be made all Directors and other officers of the Company making the same or in any wise assenting thereto shall be jointly and severally liable to the Company for the amount of such loan—and also to third parties, to the extent of such loan with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

Existing Directors continued in office.

33. The Directors elected under the charter incorporating the Company shall remain in office until the next election of Directors between the fourteenth day of February and the fourteenth day of April, in the year one thousand eight hundred and seventy-four, and any by-law, resolution or regulation adopted under the said charter shall remain in force till repealed, or until new by-laws, resolutions and regulations shall be adopted.

CHAP. 109.

An Act to incorporate the Canadian and West Indian Royal Mail Steamship Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS David Torrance, Thomas Cramp, John Torrance, Honourable James Ferrier and Robert Esdaile, all of Montreal, in the Dominion of Canada, have petitioned the Parliament of the Dominion, praying that they may be incorporated with such other persons as shall become associated with them and

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company, under the name and style of the "Canadian and West Indian Royal Mail Steamship Company," for the purpose, among other things, of building and sailing steam and other vessels between this country and the British West India Possessions or the Island of Cuba, or to the possessions of foreign countries in the West Indies, or to ports in the United States, and for such other purposes of steam navigation as to the said Company may seem expedient; and it is expedient to grant the prayer of the said petitioners as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said David Torrance, Thomas Cramp, John Torrance, Honourable James Ferrier and Robert Esdaile, of Montreal, together with such other person or persons as shall be and become stockholders in the said Company, and their respective heirs, executors, administrators, curators and assigns, shall be a body politic and corporate, by the said name of the "Canadian and West Indian Royal Mail Steamship Company," with all and every the incidents and privileges to such corporation belonging.

Certain persons incorporated.

Corporate name and general powers.

2. It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam vessels for the carrying and conveyance of goods and passengers or other traffic between the ports of the Dominion of Canada and between the said ports and elsewhere out of Canada, and to, from and between any ports out of Canada, and steam or other vessels for all business and purposes connected therewith and the profitable prosecution thereof; with power to sell or dispose of the said vessels or any of them, or grant and consent to bottomry or other bonds on the same, or mortgage the stock of the Company, or any part thereof, when and as they may deem expedient, and to make contracts and agreements with any person or corporation whatsoever for the purposes aforesaid, or otherwise for the benefit of the said company.

Purposes for which the company is incorporated.

3. It shall be lawful for the said Company to purchase, rent, take, hold and enjoy, to them and their successors, as well in Canada as in such other places where it shall be deemed expedient for the purposes of the said Company, either in the name of the said Company or in the name of the trustees for the said company, such lands, wharves, docks, warehouses, offices and other buildings as they may find necessary and convenient for the purposes of the said Company, but not for any other purpose; and to sell, mortgage or dispose of the same when not wanted for the purposes of the said Company, and others to purchase and acquire in their stead: Provided always that the yearly value of such lands, wharves, docks, warehouses, offices and other buildings within the Dominion at the time when the said Company shall enter into possession thereof, shall not exceed at the time of taking possession in the whole the sum of one hundred thousand dollars.

Company may hold real property for the purposes of their business.

Proviso: value limited.

Capital. Shares. Increase of capital. Proviso.	4. The capital stock of the said Company to be raised amongst the said shareholders shall be one million dollars currency, in one thousand shares of one thousand dollars each, with power at any annual general meeting of the Company to increase the same to two thousand shares or two millions dollars currency: Provided always that the said Company shall have paid up the sum of one hundred thousand dollars currency before receiving any passengers or freight.
Calling in stock.	5. The Directors of the said Company may call in the capital stock of the same in such sums as they may see fit; provided no larger sum than twenty per cent. of the amount subscribed is payable at one time, and that at least three months shall elapse between each payment.
Directors. Qualification. First Direc- tors.	6. The business and affairs of the said Company shall be conducted and managed and its powers exercised by nine Directors, to be annually elected by the shareholders, and who shall be severally shareholders to an amount of five thousand dollars of the said stock, and who shall be elected at the annual meetings of the Company by the shareholders then present, or by proxy as hereinafter provided; and which Board in the first instance and until the first general annual meeting of the Company, as hereinafter provided, shall consist of the Honourable John Young, M. P., Honourable James Ferrier and Honourable Thomas Ryan, Senators, David Torrance, Thomas Cramp, Robert Esdaile and John Pratt, all of the city of Montreal; James Gibb Ross, of the city of Quebec; and James Domville, of Saint John, New Brunswick.
Power to make by-laws and for what pur- poses.	7. It shall be lawful for the Company, at an annual meeting or special general meeting convened for the purpose, to make by-laws, rules and regulations for the conduct and management of the business, affairs, real estate, vessels, stock, property and effects of the Company, and the same to amend, alter, repeal and re-enact, as shall be deemed needful and proper; but a majority of the shareholders shall be present thereat in person or by proxy and assisting at the same; and the said by-laws, rules and regulations shall, among other things, particularly apply to and affect the following matters:—
Calls, &c.	1. The calling up and payment, from time to time, of the capital stock of the said Company, and of the increase thereof, and of the calls thereon, as hereinbefore provided, and the conversion of the shares thereof into stock:
Share certifi- cates.	2. The issue of certificates to the respective shareholders of the said Company of their shares or stock therein, and the registration thereof, and of the addresses of the shareholders for the purposes of the Company:
Forfeiting shares. Proviso.	3. The forfeiture or sale of shares or stock for non-payment of calls or other liability of the shareholders: Provided always that such forfeiture shall not be held to be conclusive against

liable shareholder until after the actual sale of the shares declared to be forfeited, or the enforcement of the judgment for the payment of the calls in arrear, as the case may be :

4. The set-off of all debts due to the said Company from the shareholders against such shares or stock and dividends or payments to which they may be entitled : Setting off debts.

5. The transfer of shares or stock and the approval and control by the Directors of such transfer and of the proposed transferees, and as to the remedy against transferees : Transfers.

6. The declaration and payment of profits of the said Company and dividends in respect thereof : Dividends.

7. The formation and maintenance of a sinking or reserve fund : Sinking Fund.

8. The removal and remuneration of the Directors, and of all such managers, agents, officers, clerks or servants of the Company as they shall deem necessary for carrying on the business of the said Company, and the security, if any, to be taken from such parties respectively for the performance of their respective duties, and also the indemnity of such parties : Officers and servants.

9. The calling of general, special or other meetings of the Company and Directors, in this Dominion or elsewhere, and the quorum and the business to be transacted thereat, respectively ; and the number of votes which shareholders shall have in respect of shares held by them and the mode of taking votes, and regulating proxies of Directors and shareholders : Meetings of shareholders and Directors.

10. The making and entering into deeds, bills, notes, agreements, contracts, charter-parties and other documents and engagements to bind the Company, and whether under the seal of the Company or not, and whether by the Directors or their agents, as may be deemed expedient : Deeds, &c.

11. The borrowing or advancing of money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same : Loans.

12. The keeping of minutes of the proceedings and the accounts of the said Company, and making the same conclusive and binding on the shareholders, and rectifying any errors which may be made therein : Minutes.

13. The audit of accounts and appointment of Auditors : Audit.

14. The giving of notices by or to the Company : Notices.

15. The recovery of damages and penalties : Damages

Penalties.

16. The imposing of penalties against shareholders, officers and servants of the Company, to an amount not exceeding twenty dollars for each offence :

By-laws not to contravene laws.

17. Provided the said by-laws, rules and regulations are not contrary to the present Act, nor to the laws of the Dominion; and provided that a register of all such by-laws shall be kept, and shall be open to public inspection at reasonable times at the office of the Company.

Certificates of shares to be issued.

8. The Directors of the Company shall, from time to time, issue to each of the shareholders, respectively, certificates under the seal of the Company, of the number of the shares to which he is entitled ; and he shall then be legal owner of such shares and invested with all the rights and subject to all the liabilities of a shareholder in respect of such shares ; and each person to whom any share or shares shall be assigned shall sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid.

Enforcing payment of shares.**What only need be alleged and proved.**

9. In case the said Directors shall deem it more expedient in any case to enforce the payment of any unpaid instalment than to forfeit or sell the said shares therefor, it shall and may be lawful for the Company to sue for and recover the same from such shareholder, with interest thereon, in an action in any court having civil jurisdiction to the amount claimed ; and in any such action it shall be sufficient to allege that the defendant is the holder of one or more shares (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount ; and to maintain such action it shall be sufficient that the signature of the defendant to such acknowledgment as hereinbefore mentioned shall be proved, and that the calls in arrear have been made—and a certificate under the seal of the Company or signed by any one or more of the Directors shall be sufficient evidence of the calls having been duly made and being in arrear and the amount due in respect thereof : Provided that nothing herein contained shall in any way affect the right of the said Company to forfeit the shares of any shareholder for non-payment of calls or subscriptions, whether after or before such a judgment for recovery thereof.

Proviso.**To what purposes only the capital shall be applied.**

10. The capital stock and increase thereof of the said Company, is hereby directed and appointed to be laid out and applied in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and the preliminary expenses attending the establishment of the said Company, and all the rest, residue and remainder of such money for and towards carrying out the objects of this undertaking and the other purposes of the Company, and to no other use, intent or purpose whatsoever.

11. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the Company shall, from time to time, be a discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Company have had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts on shares.

12. When any share shall have become transmitted in consequence of the bankruptcy or insolvency of any shareholder, the assignee of such shareholder shall not be entitled, and in case of such transmission in consequence of the death or marriage of a female shareholder, the executors or administrators, tutors, curators or husband, as the case may be, of such shareholder, shall not, except so far as may be otherwise provided by by-laws, be entitled to receive any profits of the Company, or to vote in respect of such share as the holder thereof; but, nevertheless, after the production of such declaration or other evidence of such transmission as may be required in that behalf by any by-law of the Company, such assignees, executors or administrators, tutors, curators or husband, as the case may be, shall have power to transfer the share or shares so transmitted, in the same manner and subject to the same regulations as any other transfer is to be made.

Proof of transmission of shares otherwise than by regular transfer.

13. At all meetings of the said Directors and of those hereafter elected by the shareholders, five shall be a quorum, and capable of exercising all the powers of the said Directors.

Quorum of Directors.

14. The annual general meeting of the said Company shall be held in the office of the Company, in the City of Montreal, on the first Monday in April in each year, for the purpose of electing Directors and for transacting the general business of the Company: at this meeting, the President of the Company, or in his absence, the Vice-President, and in the absence of both, then one of the Directors shall take the chair; and shareholders may appear in person or by proxy, provided the holder of such proxy be a shareholder in the Company; and each share in the Company shall give one vote; and if on any question there be an equality of votes, the chairman shall have the casting vote.

Annual general meetings

Who shall preside.

Proxies.

Votes and casting vote.

15. The Directors elected at the annual meeting aforesaid shall assemble within one week of their election, and shall then elect from amongst themselves, by a majority of votes of those present, a President and a Vice-President; the President, or in his absence the Vice-President, may call meetings of the Directors as often as the occasion may require.

Election of President, &c.

16. The Directors of the said Company may act as Directors in Canada, and may appoint one or more agents in Canada or elsewhere,

Directors may act in Canada and may appoint agents elsewhere.

point agents
there or else-
where.

elsewhere, and for such time and on such terms as to them shall seem expedient, and the Directors may, by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such agent, by virtue of the powers in him vested by such by-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves,—any thing in this Act to the contrary notwithstanding.

Steamers may
be received as
stock.

17. The Directors aforesaid shall have power, if they think fit, to receive and take into the stock of the said Company, such steamers as may have already been built or acquired by individual shareholders for the purpose of this Company.

At what valua-
tion.

18. The Directors of the Company shall take the said steamers at their cost or at such valuation as shall be put upon them by persons mutually chosen to decide the same; and such valuation shall be credited to the shareholders as payment made on account of their stock; but no shareholder shall be entitled to claim from the Directors any money payment for such steamers unless by special agreement to that effect.

Informality in
election of Di-
rector not to
invalidate his
acts.

19. All acts done by any person or persons acting as Directors shall, notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed, and was qualified to be a Director.

Company to be
governed by
English laws
of evidence.

20. In all actions or suits at law by or against the Company, or to which the said Company may be a party, in the Province of Quebec, recourse shall be had to the rules of evidence laid down by the laws of England, as recognized by the Courts of the said Province, in commercial cases, except for actions for real estate or incidental thereto in the said Province, in which case the laws of the said Province shall prevail; and no shareholder shall, in any court whatever, be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a shareholder,

Witnesses.

Who may
answer in cases
of attachment
in their hands.

21. If any writ of *saisie-arrêt* or attachment shall be served upon the said Company in the Province of Quebec, it shall be lawful for the President or for the Secretary or the Treasurer thereof, or any agent to be appointed as hereinbefore provided, in any such case to appear in obedience to the said writ to make the declaration by law required according to the exigency of such case; which said declaration, or the declaration of the said President, shall be taken and received in all courts of justice in the said Province as the declaration of the Company.

22. Every contract, agreement, engagement or bargain by the Company, or by any one or more of the Directors on behalf of the Company, or by any agent or agents of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by such Director or Directors, on behalf of the Company, or by any such agent or agents, in general accordance with the powers to be devolved to and conferred on them respectively under the said by-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, promissory note or bill of exchange, or to prove that the same was entered into, made or done in strict pursuance of the by-laws; nor shall the party entering into, making or doing the same as Director or agent be thereby subjected individually to any liability whatsoever: *Provided* always that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a Bank.

Contracts, &c. made by Directors in accordance with their powers, to bind the Company.

Seal not required in certain cases.

Provido.

23. Aliens shall have the same right as British subjects to take and hold stock or shares in the Company, and to vote either as principals or proxies: *Provided* always that the President, the Vice-President, and a majority of the Directors shall reside in Canada and be subjects of Her Majesty.

Aliens may hold stock and vote. *Provido* as to President &c.

24. If at any time any municipal or other corporation, civil or ecclesiastical, body politic, corporate or collegiate or community, in this Dominion or elsewhere, shall be desirous of taking shares of the capital stock of the said Company, or otherwise promoting the success of their undertaking by loans of money or securities for money at interest or *a constitution de rente*, it shall be lawful for them respectively so to do in like manner, and with the same rights and privileges with respect thereof, as private individuals may do under or by virtue of this Act,—anything in any Ordinance or Act or instrument of incorporation of any such body, or in any law or usage, to the contrary notwithstanding.

Municipal Corporations, &c. may hold stock.

25. The shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing, relating to or connected with the said Company, or the liabilities, acts or defaults of the said Company, beyond the sum, if any, remaining due to complete the amount of the unpaid-up portion of the shares subscribed for or held by them in the stock of the Company.

Liability of shareholders limited.

26. The shares in the capital stock of the said Company shall be deemed personal estate, and shall be transferable as such.

Shares to be personalty.

27. Suits at law and in equity may be prosecuted and maintained between the said Company and any shareholder thereof; and no shareholder of the Company, not being in his private capacity a party to such suit, shall be incompetent as a witness in such suit.

Cases may be tried between the Company and shareholders.

CHAP. 110.

An Act to incorporate the Dominion Dock and Warehousing Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is desirable that additional facilities be afforded at the City of Ottawa, in the Province of Ontario, for the warehousing of produce and other effects and merchandize; and whereas the persons hereinafter mentioned and others have, by petition, prayed to be incorporated for the purpose of creating such additional accommodation, and for other purposes hereinafter mentioned; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name and general powers.

Seat of business and agencies.

1. Joseph Merrill Currier, Benjamin Batson, Henry Newell Bate and Charles Thornton Bate, all of Ottawa aforesaid, Esquires, and every such person or persons, body and bodies politic and corporate, as shall, under the authority of this Act, be associated with them, and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate by the name of the "Dominion Dock and Warehousing Company;" and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same; and by that name shall and may sue and be sued, implead and be impleaded in all courts of law or equity in this Dominion; and the said corporation shall have their principal place of business at Ottawa aforesaid, but may open such office or offices at such places, either in this Dominion or elsewhere, as may be found necessary or convenient for the purpose of their business.

Business of the company.

2. The said Company is hereby authorized and empowered, at its own cost and charges, to erect and build, hire and lease sheds, stores, warehouses, wharves, lumber yards, coves or booms, slips, piers, cranes, tramways, and all other buildings, machinery and appurtenances which may be necessary or convenient to conduct the business of the said Company, in any place in the Dominion of Canada, for the reception and storage of goods, wares, lumber of all sorts and merchandize, free of duty or in bond or otherwise, together with such tramways, elevators and other constructions and erections whatsoever as may be requisite or useful for the reception, safe keeping and shipment of merchandize, produce and other effects.

Real property.

3. The said Company may, from time to time, purchase, hire, lease and hold such immovable property as may be necessary for carrying on the business of the said Company, not exceeding twenty-five thousand dollars in annual value in any one county.

district, and may sell, lease or otherwise dispose of such property from time to time as they may see fit.

4. The Company may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, said Company shall be compellable to deliver such goods; and such warehouse receipts shall be transferable by endorsement, either special or in blank; and such endorsement shall transfer right of property and possession of such goods to the endorsee holder of such warehouse receipts as fully and completely as if the delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such goods by the said Company in good faith to persons in possession of such warehouse receipts, the said Company shall be free from all further liability in respect thereof: **Warehouse receipts may be issued.** **Transfer by endorsement valid.** **Provided,** always that the said Company shall be subject in respect of such goods and in respect of such warehouse receipts to all the obligations and duties imposed upon warehousemen, either by the statute law or by the common law in that part of Canada where they may be carrying on business.

5. The Company may, from time to time, make advances on goods, wares or lumber, stored in, at or on the wharves, stores, warehouses, lumber yards, coves or booms of the said Company; and may charge a commission on such advances, not exceeding two and a-half per centum on the amount thereof; for such advances and commissions the said Company shall have a lien on such goods; but no lien shall attach in favour of the Company on any goods, wares and merchandize, for which it may not have a receipt, the extent and nature of which lien shall not be specially expressed upon the face of and be evidenced by such receipt itself: **Advances may be made on goods stored.** **Provision, in case of non-payment thereof.** Provided that in the event of the non-payment of such advances when due, the Company may sell the goods whereon such advances have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the Company upon such advances, with any interest and costs, returning any surplus, if any, to the owner thereof; but no sale of any goods shall take place under this Act, until or unless thirty days' notice of the time and place of such sale has been given by registered letter transmitted through the post office to the owner of such goods, prior to the sale thereof.

6. All the rights, powers and privileges belonging to the said Company for moneys advanced upon goods and effects in its possession to the owner of such goods and effects, shall also avail to the benefit for advances made by means of promissory notes of the Company, payable to the order of such owners, or obtained by means of the endorsement by the Company of any negotiable paper, and the negotiation of such paper by or for the owners or holders of such goods and effects. **Such advances may be made by promissory notes of the Company.**

7. The Company may charge on all property placed with them in their custody a fair remuneration, or such sums as may be agreed **Charges for storage, &c.**

agreed upon for the storage, warehousing, wharfage either at top or side, dockage, slippage, cranage, craulage, guaging, testing, cooperage or other care and labour in and about such property on the part of the said Company, or which such property may have received while in its care or custody.

Capital stock
and shares.

Proviso.

Proviso: as
to commence-
ment of busi-
ness.

8. The capital stock of the Company shall be one hundred thousand dollars, current money of the Dominion, in shares of one hundred dollars each; and such shares shall be transferable upon the books of the said Company in such manner and subject to such restrictions as shall be fixed by the by-laws of the said Company: Provided always that no person to whom shall be allotted any stock in the said Company shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said Company; and such stock shall be called in and paid, in such instalments and upon such notice as shall be fixed by the Directors: Provided always that the said Company shall not commence operations until one-half of the said capital shall be subscribed in good faith, and at least twenty thousand dollars paid up thereon. The Company may also issue bonds bearing interest at any legal rate, payable in Ottawa or elsewhere, and secure the same, if deemed expedient, by mortgage of its property and franchises, and dispose of the same in such manner and to such extent and at such price as the Directors may think best.

Calls on stock.

Limitation.

9. The Directors may, from time to time, make such calls upon the members, in respect of all moneys unpaid upon their respective shares, as they shall think fit,—provided that twenty-one days at the least before the day appointed for each call notice thereof shall be served on each member liable to pay the same by posting such notice to his address on the stock books of the Company; but no call shall exceed the amount of ten per cent. per share, and a period of three months at least shall intervene between two successive calls.

Mode of
payment.

10. Each member shall be liable to pay the amount of any call so made upon him to such person and at such time and place as the Directors shall appoint.

Calls in arrear
to bear inter-
est.

11. A call shall be deemed to have been made at the time when the resolution of the Directors authorizing such call was passed; and if a shareholder shall fail to pay any call due from him before or on the day appointed for payment thereof, he shall be liable to pay interest for the same at the rate of ten per cent. per annum, or at such other less rate as the Directors shall determine, from the day appointed for payment to the time of actual payment thereof.

Notice of
proceedings.

12. If any member fail to pay any call on the day appointed for the payment thereof, the Directors may at any time thereafter

g such time as the call may remain unpaid serve a notice for enforcing payment.
 m requiring him to pay such call, together with any interest
 may have accrued due thereon by reason of such non-pay-
 ; and such notice shall name a day (not being less than
 ty-one days from the date of such notice) and a place on and
 rich such call and interest and any expenses that may have
 incurred by reason of every such non-payment are to be
 ; and such notice shall also state that, in the event of non- To state liability to forfeiture.
 ent at or before the time and at the place so appointed as
 said, the shares in respect of which such call was made will
 ble to be forfeited.

h. If the requisitions of any such notice are not complied Forfeiture for non-payment.
 any share in respect of which such notice has been given
 at any time thereafter before payment of all calls, interest
 expenses due in respect thereof, be forfeited by a resolution
 e Directors to that effect.

i. Every share which shall be so forfeited shall be deemed Disposal of forfeited shares.
 the property of the Company, and may be sold, re-allotted
 herwise disposed of, upon such terms, in such manner and to
 person or persons as the Company shall think fit.

j. Any member whose shares shall have been forfeited shall, Liability of owners.
 ithstanding such forfeiture, be liable to pay to the Company
 ills, interest and expenses owing upon such shares at the
 of forfeiture.

k. A declaration in writing, by the Secretary or other there- Evidence of forfeiture.
 duly authorized officer of the Company, that a call was made
 notice thereof duly served, and that default in payment of
 all was made in respect of any share, and that the forfeiture
 ch share was made by a resolution of the Directors to that
 , shall be sufficient evidence of the facts therein stated as
 ist all persons entitled to such share; and such declaration
 the receipt of the Company for such price of such share shall
 itute a good title to such share, and the purchaser shall
 upon be deemed the holder of such share discharged from all
 due prior to such purchase, and shall be entered upon the
 ters of members in respect thereof; and he shall not be
 d to enquire into or see to the application of the purchase money,
 hall his title to such share be impeached or affected by any
 ularity in the proceedings of such sale. Title of purchaser.

l. The Directors shall have power to issue paid-up stock in Real estate may be paid for in stock.
 aid Company in payment of the price of real estate which it
 require for the purposes of this Act; and such paid-up stock
 be free from all calls whatsoever, and from all claims and
 nds on the part of the said Company or of the creditors
 of, to the same extent as if the amount of the same had been
 arly called in by the said Company and paid by the holder
 of in full.

Promissory
notes of
Company.

Proviso.

Proviso.

Proviso.

18. The said Company may, from time to time, for the purposes of its business as it may require so to do, make and become parties to, sign, endorse and accept cheques, promissory notes and bills of exchange for any sum not less than one hundred dollars: Provided always that no such cheque, promissory note or bill of exchange shall be made payable to the bearer thereof, or be circulated or intended to be circulated as money; provided also that, to bind the said Company as a party to any such cheque, promissory note or bill of exchange, the signatures of the President or, in his absence, of the Vice-President and of another Director shall be necessary: Provided also that the Directors of the said Company shall have the power by by-law specially to authorize any one officer of the Company to make, sign and endorse bills, cheques and notes in his own name alone as such officer.

Acts of agents
or officers to
be binding.

Company's
seal not re-
quired.

19. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding on the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special order or vote; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor: Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

Votes on
stock.

Majority to
decide.

Proviso: as to
proxies.

20. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he has shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the stockholders present, in person or by proxy, except in any case or cases otherwise provided for by the Act: Provided always that no person shall be entitled to vote by proxy at any meeting unless he shall be a stockholder in the said Company, and produce written authority as such proxy.

Increase of
capital.

Proviso.

21. If, at any future period, the said sum of one hundred thousand dollars shall be found insufficient for the purposes of the Act, it shall be lawful for the said Company to increase their capital stock by a further sum not exceeding four hundred thousand dollars currency, subscribed either among themselves or by the admission of new stockholders,—such new stock being divided into shares of one hundred dollars each: Provided always that such increase be decided upon and ordered by a majority of the stock

stockholders in value of the said Company, present in person or by proxy, at a meeting held for the purpose.

22. Until the election of Directors as hereinafter mentioned, the said Joseph Merrill Currier, Benjamin Batson, Henry Newell Bate and Charles Thornton Bate, Esquires, shall be the Provisional Directors of the said Company, with power to open books for the subscription of stock therein, and generally to exercise the usual functions of Provisional Directors until such first election : and such first election of Directors shall be made at a general meeting of the stockholders of the said Company to be held for that purpose at the City of Ottawa, so soon as one-half of the capital stock of the said Company shall have been subscribed for, and after such notice thereof shall have been given, as is hereafter required for special general meetings of stockholders in the said Company ; and at such meeting, five Directors shall be elected to hold office until the first Wednesday in the month of January then next ; and after such first election, the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by five Directors, to be annually elected by the stockholders, at a meeting of stockholders to be held for that purpose on the first Wednesday in the month of January in each year,—notice of which annual meeting shall be given in the manner hereinafter mentioned ; and no person shall be a Director of the said Company, unless he be the proprietor of at least ten shares of stock therein.

Provisional
Directors.

First election
of Directors.

Annual
meeting.

23. Such meeting shall be held and such election made by such of the stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy ; and all elections for such Directors shall be by ballot ; and the five persons who shall have the greatest number of votes, at any such election, shall be Directors ; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than five shall, by a majority of votes, appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election shall proceed to ascertain by ballot which of the said persons, so having an equal number of votes, shall be a Director or Directors, to complete the whole number of five ; and if any vacancy shall, at any time, happen among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the next annual meeting for the election of Directors, by a person to be elected by the stockholders in manner aforesaid, at a special general meeting thereof duly called for that purpose.

Election of
directors.

In case of
of equality of
votes.

Vacancies,
how filled.

24. In case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day to make and hold an election of Directors at the place for holding the annual meetings of the Company, after notice of such meeting shall have been given for at least two weeks in

Failure of
election not to
dissolve com-
pany : provi-
sion in such
case.

two of the newspapers of Ottawa aforesaid, and in such manner as shall have been regulated by the by-laws of the said Company; and the previous Directors shall, in every case, hold office until the election of their successors.

Special
general
meetings.

•25. Special general meetings of the stockholders may be convened on the requisition of any three Directors or of a stockholder or stockholders possessing fifty shares of the stock of the said Company; and notice of such meeting and of the annual meetings of the said Company shall be held to be validly given if inserted four times as an advertisement in any two newspapers published in the City of Ottawa; the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

Powers of
directors.

26. The Directors for the time being shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into, and may, from time to time, make, alter and repeal such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, and among others for the following, to wit:—

To make by-
laws for
certain pur-
poses.

1. For the direction, conduct and government of the said Company, and of its property, real and personal, and its improvement and regulation throughout the year:

2. For the appointment, regulation and removal of the officers, clerks and servants of the said Company, and the election and remuneration of the Directors thereof:

3. For regulating the mode in which all contracts to be entered into by the said Company, of whatever nature, may be entered into and executed on behalf of the said corporation:

4. To regulate the allotment of stock, the making of calls thereon, the payment thereof, the transfer of stock, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that (if any) of the Directors:

Proviso; by-
laws to be
confirmed.

5. And finally, for the doing of everything necessary to carry out the provisions of this Act according to their intent and spirit: Provided always that such by-laws shall have force and effect only until the next annual meeting of the Company after the passing of the same, when they shall be submitted to such meeting, and in default of confirmation thereat, shall at and from the time of such meeting cease to have force, until sanctioned by a majority of votes of the stockholders present in person or by proxy at any annual or other general meeting.

President and
Vice-President.

27. The Directors may elect from among their members, a President and Vice-President of the said Company.

8. The said Company shall have power to collect and receive ^{Back charges on goods.} charges subject to which goods or commodities may come into its possession ; and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities, as the person to whom such charges were originally due had upon such goods or commodities, while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

9. The said Company is hereby authorized to make contracts ^{Insurance on goods.} of insurance against all loss, damage or injury of the goods and effects entrusted to its safe keeping, or upon which it may have made advances, to the full amount of the value of such goods and effects, and may obtain policies in the name of the Company, and may effect such insurances, and shall have a right to recover from the insurers the full amount of damages or loss caused by any fire, theft or casualty against which it shall have been insured, notwithstanding that it may not be interested in such goods and effects to the extent of such loss or damage, and notwithstanding that, at the time of such insurance and at the time of such accident or casualty, it was only bailee of such goods and effects ; and may sue for and recover the amount of such loss and damage, as owner of such goods and effects, and shall be deemed for the purpose of such recovery to be owner of such goods and effects,—notwithstanding any law, usage or custom to the contrary notwithstanding.

10. The said Company may also transfer to the owners or ^{Transfer of policy.} pledgers of such goods and effects, its claim against the insurers under any such policy of insurance, to the extent of any amount agreed upon between the Company and such owners or pledgers ; such transfer may be made by means of a certificate, signed by the Company, purporting that the effects held by the Company and mentioned in such certificate are insured under the policy (describing it) to the amount agreed upon and set forth in the certificate, the loss upon which effects (if any) may be made payable to the holder or endorsee of such certificate,—provided that the holder or endorsee be also at the same time the holder of the ^{Previous.} warehouse receipt representing such effects ; and thereafter the right of action of the Company, under the policy, shall be reduced by the amount mentioned in the certificate, and the holder of the certificate shall be entitled to recover from the insurers who issued the policy, such amount of loss or damage as the goods purporting to be insured may have suffered, and as may be recoverable under the policy.

11. It shall be the duty of the Directors to make annual dividends ^{Dividends and annual statements.} of so much of the profits of the said Company as to them, or a majority of them, shall seem advisable ; and once in each year an exact and particular statement shall be rendered by them to the state of the affairs, debts, credits, profits and losses of the Company ; and such statement shall appear on the books and be open for the perusal of any stockholder upon request, at least one month before the annual meeting of the said Company.

Liability of stockholders limited.

32. No stockholder in the said Company shall be in any manner whatsoever liable for, or charged with the payment of any debt or demand due by the said Company, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Company.

Punishment in respect of false warehouse receipts.

33 The eighty-eighth, eighth-ninth, ninetieth and ninety-first sections of the statute thirty-second and thirty-third Victoria, chapter twenty-one, being "*An Act respecting Larceny and other similar offences*," shall be applicable and shall be applied to all false warehouse and other receipts referred to in this Act; and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by the said eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of that Act, or by any of them, in respect of the receipts herein specified.

As to liens on goods.

34. The right of the Company to any lien shall in no way affect, nor be construed to affect, impair or lessen, any pre-existing pledge, mortgage, lien or sale of any goods in respect of which a privilege may be claimed by the said Company; this section shall not be so construed as to give to any person holding a mortgage or lien upon goods and effects or to any purchaser or pledgee of goods and effects upon which the Company claims any privilege, any greater, further or better right as pledgee, mortgagee or purchaser, than such person, purchaser or pledgee would have against any individual holding the privilege claimed by the Company,—the true intent and meaning of this section being, that the respective rights of the Company and of any such mortgagee, pledgee or purchaser, shall stand in the same position towards each other as they would in the case of individuals holding similar conflicting claims, according to the laws of that Province of this Dominion in which the transactions upon which such rights may be based shall have taken place.

Rights of Company and other parties.

Powers subject to future legislation.

35. The powers hereby given, and any rights hereby granted shall be subject to any future legislation regulating the business of warehousemen.

CHAP. III.

An Act to incorporate the "Merchants' Warehousing Company."

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS in view of the increasing trade of the Dominion of Canada, it is desirable that additional facilities should be afforded at the City of Montreal, in the Province of Quebec, the City of Toronto, in the Province of Ontario, and elsewhere

in the Provinces of Ontario and Quebec, for the storage, safe keeping and transport of produce and other merchandize : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1. Andrew Allan, George A. Drummond, Daniel Butters, David A. P. Watt, Alexander Dennistoun, Robert A. Smith, Robert Peddie and every such person or persons, body and bodies politic and corporate as shall, under the authority of this Act, be associated with them, and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate by the name of "The Merchants' Warehousing Company;" and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same; and by that name may sue and be sued, implead and be impleaded, in all courts of law or equity in this Dominion; and the said corporation shall have their principal place of business at Montreal aforesaid, but may open such office or offices, at such places either in this Dominion or elsewhere, as may be found necessary or convenient for the purposes of their business.

Incorporation.

Corporate name and general powers.

Seats of business.

2. The said Company is hereby authorized and empowered, at its own costs and charges, to erect and build, hire and lease sheds, stores, warehouses, wharves, lumber yards, coves, booms, slips, piers, cranes, tramways and all other buildings, machinery and appurtenances which may be necessary or convenient to conduct the business of the said Company in any place in the Provinces of Ontario and Quebec, for the reception and storage of produce, goods, wares, lumber of all sorts and merchandize, free of duty or in bond or otherwise, together with such barges or other craft, tramways, elevators and other constructions and erections whatsoever as may be requisite or useful for the reception, safe keeping, transportation and shipment of produce, goods, wares and merchandize.

Company may acquire real property for the purposes of its business.

3. The said Company may, from time to time, purchase, hire, lease and hold such immovable property as may be necessary for carrying on the business of the said Company, not exceeding in annual value twenty-five thousand dollars in any one county or district, and may sell, lease or otherwise dispose of such property, from time to time, as they may see fit.

Real property

4. The Company may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said Company shall be compellable to deliver such goods; and such warehouse receipts shall be transferable by endorsement, either special or in blank, and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way; and on delivery of such

Issue of certificates of goods and warehouse receipts.

Transferable, and effect of transfer.

Proviso.

such goods by the said Company, in good faith, to a person in possession of such warehouse receipts, the said Company shall be free from all further liability in respect thereof: Provided always, that the said Company shall be subject, in respect of such goods, and in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen, either by the statute law or by the common law of that part of Canada where the produce, goods, wares and merchandize mentioned in such certificates respectively, may be held, stored or warehoused.

Company may make advances on goods, &c.

5. The Company may, from time to time, make advances on goods, wares or lumber, or securities transferred to or in the custody or possession of the said Company, and such advances may be made either in cash or negotiable paper, made, endorsed or accepted by the Company, and the Company may charge a commission on such advances, not exceeding two and a half per centum on the amount thereof; for which advances and commissions the said Company shall have a lien upon such goods and securities, but no lien shall attach in favor of the Company on any goods, wares and merchandize for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed upon the face of, and be evidenced by such receipt itself:

Proviso; sale of goods for non-payment of advances.

Provided that in the event of the non-payment of such advances when due, the Company may sell at public auction or private sale the goods whereon such advances have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the Company upon such advances, with any interest, charges and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods shall take place under

Notice of sale.

this Act until or unless thirty days' notice of the time and place of such sale has been given by registered letter, transmitted through the post office, to the owner of such goods, prior to the sale thereof, unless otherwise provided in the contract between the parties; and in case any property deposited with the Com-

Provision in case goods are perishable.

pany upon which they have made advances shall, before the maturity of the contract, from any cause decrease in value from the price originally fixed, the Company may give notice to the pledger or his agent, by means of a registered letter or otherwise, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value, and in default thereof the Company may sell and dispose of such property in the manner hereinbefore provided.

Company may insure goods entrusted to them.

6. The Company may make contracts of insurance against all loss, damage or injury of the goods and effects entrusted to its safe keeping, or upon which it may have made advances to the full amount of the value of such goods and effects, and may obtain policies in the name of the Company evidencing such insurances, and shall have a right to recover from the insurers the full amount of damages or loss caused by any accident or casualty against which it shall have been insured, notwithstanding that it may not be interested in such goods and effects to the

extent of such loss or damage, and notwithstanding, that at the time of such insurance and at the time of such action or casualty, it was only bailee of such goods and effects ; and it may sue for and recover the amount of such loss and damage as owner of such goods and effects, and shall be deemed for the purpose of such recovery to be owner of such goods and effects, —any law, usage or custom to the contrary notwithstanding.

And recover damages.

7. The Company may also transfer to the owners, pledgers or pledgees of such goods and effects, its claim against the insurers under any such policies of insurance, to the extent of any amount agreed upon between the Company and such owners, pledgers or pledgees ; and such transfer may be made by means of a certificate signed by the Company, purporting that the effects in the custody or charge of the Company, and mentioned in such certificate, are insured under the policies (describing them) to the amount agreed upon and set forth in the certificate, the loss upon which effects (if any) may be made payable to the holder or endorsee of such certificate,—provided such holder or endorsee be also at the same time the owner or consignee of the goods mentioned in the said certificate, or the holder of the warehouse receipt representing such effects, if such receipt has been issued ; and thereafter the right of action of the Company under the policy shall be reduced by the amount of loss or damage paid or payable by the insurance company to the holder of such certificate, and the holder of the certificate shall be entitled to recover from the insurers who issued the policy such amount of loss or damage as the goods purporting to be insured may have suffered, and as may be recoverable under the policy.

And may transfer its claim.

Form of transfer, and its effect.

8. The Company may charge on all property placed with them or in their custody, a fair remuneration or such sums as may be agreed upon, for the storage, warehousing, transport, wharfage, either at top or side, dockage, slippage, cranage, craulage, gauging, testing, cooperage, elevating, weighing or other care or labour in and about such property on the part of the said Company, or which such property may have received while in its care or custody.

Fees chargeable by the Company.

9. The capital stock of the Company shall be two hundred and fifty thousand dollars current money of this Dominion, in shares of one hundred dollars each ; and such shares shall be transferable upon the books of the said Company in such manner and subject to such restrictions as shall be fixed by the by-laws of the said Company,—provided always that no person to whom shall be allotted any stock in the said Company, shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said Company ; and such stock shall be called in and paid in such instalments and upon such notice as shall be fixed by the Directors : Provided always that the said Company shall

Capital stock and shares.

When Com-
pany may
commence
operations.

Company
may issue
bonds, &c.

Proviso.

Certificates of
shares.

Stock may be
issued in pay-
ment of pro-
perty purcha-
sed.

Forfeiture of
shares for non-
payment.

Proviso : calls
to be paid by
purchasers.

Proviso, notice
of sale.

Calls may be
recovered.

shall not commence operations until one-half of the said capital shall be subscribed in good faith and fifty thousand dollars thereon paid in. The Company may also issue bonds bearing any legal rate of interest, payable in Montreal or elsewhere, and secure the same, if deemed expedient, by mortgage of its property or franchises, and dispose of the same in such manner and to such extent and at such price as the Directors may think best, and may also, for the purposes of the business of the said Company, grant, sign and endorse promissory notes in such forms and under such restrictions as may be fixed by the by-laws of the said Company,—but no such bond or note shall be for any less sum than one hundred dollars, nor shall any such note be payable to bearer or of a nature to be circulated as money or as the note of a bank.

10 The Company may, so soon as the shares in the capital stock thereof allotted to any person have been paid up, issue to and in favor of the said shareholder who shall have so paid up, a certificate, in such form as the by-laws to be made may provide, of the number of paid-up shares so held by the said shareholder.

11. The Directors shall have power to issue paid-up stock in the said Company in payment of the price of any property, real or personal, which it may require for the purposes of this Act, and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said Company and paid by the holder thereof in full.

12. If any stockholder neglects or refuses to pay any such call or calls as shall be lawfully made as aforesaid upon any shares, such stockholder so refusing or neglecting shall forfeit such shares with any amount which shall have previously been paid thereon, and the said shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company : Provided always that the purchaser shall pay the said Company the amount of the calls due thereon, in addition to the price of the shares so purchased by him, immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid, and shall hold the shares so purchased subject to all future calls thereon : Provided also that notice of the sale of such forfeited shares shall be given in the same manner as shall be provided for the notice of calls, and that the instalments due and the costs incurred in advertising the same may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof : And provided also that nothing herein contained shall prevent the said Company from proceeding against any defaulter, before any court of justice of competent jurisdiction to compel the payment of any call or calls in arrear, if they should see fit so to do.

13. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he shall have shares in the said stock ; and such vote or votes may be given in person or by proxy, and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the stockholders present in person or by proxy, except in any case or cases otherwise provided for by this Act: Provided always that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder in the said corporation, and produce written authority as such proxy.

Votes at meetings.
Majority to decide.
Proviso : as to proxies.

14. If at any future period the said sum of two hundred and fifty thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their capital stock by a further sum not exceeding one million dollars currency, subscribed either among themselves or by the admission of new stockholders,—such new stock being divided into shares of one hundred dollars each: Provided always that such increase be decided upon and ordered by a majority of the stockholders in value of the said Company, present in person or by proxy, at a meeting held for the purpose.

Increase of capital stock.
Proviso.

15. Until the election of Directors, as hereinafter mentioned, the said Andrew Allan, George A. Drummond, Daniel Butters, Alexander Dennistoun, Robert A. Smith and David A. P. Watt, shall be the Provisional Directors of the said Company, with power to open books for the subscription of stock therein, and generally to exercise the usual functions of Provisional Directors until such first election ; and such first election of Directors shall be made at a general meeting of the stockholders of the said Company to be held for that purpose at the City of Montreal so soon as one half of the capital stock of the said Company shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required, for special general meetings of stockholders of the said Company ; and at such meeting not less than six Directors shall be elected to hold office until the first Tuesday in the month of April then next ; and after such first election the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by not less than six Directors, to be annually elected by the stockholders, at a meeting of the stockholders to be held for that purpose on the first Tuesday in the month of April in each year,—notice of which annual meeting shall be given in the manner hereinafter mentioned, and no person shall be a Director of the said Company unless he be the proprietor of at least ten shares of stock therein.

Provisional directors.
First meeting of shareholders.
Election of directors.
Qualification.

16. Such meeting shall be held and such election made by such of the stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy ; and at all elections for such Directors, the six (or such greater number as the by-laws may enact) persons who shall have the greatest number of votes at any such election shall be Directors ; and if it shall happen

Proceedings at election of directors.

Ties.

happen at any such election that two or more persons shall have an equal number of votes in such manner that a greater number of persons than six shall by a majority of votes appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election shall proceed to ascertain by ballot which of the said persons so having an equal number of votes shall be a Director or Directors to complete the whole number of such Directors; and if any vacancy shall at any time happen among the Directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the next annual meeting for the election of Directors, by a person to be elected by the Directors at a special meeting duly called for that purpose.

Vacancies,
how filled.Failure of
election not to
dissolve corpo-
ration.

17. In case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any subsequent day, to make and hold an election of Directors in such manner as shall have been regulated by the by-laws of the said Company, and the previous Directors shall in every case hold office until the election of their successors.

Special gene-
ral meetings.

Notice.

18. Special general meetings of the stockholders may be convened on the requisition of any three Directors or of a stockholder or stockholders possessing fifty shares of the stock of the said Company; and notice of such meeting, and of the annual meetings of the said Company, shall be held to be validly given if inserted three times as an advertisement in any two newspapers published in the City of Montreal, the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

Register to be
kept by the
company:—
what it shall
shew.

19. The Company shall keep in a book or books a register of the members of the Company, and therein shall be fairly and distinctly entered, from time to time, the following particulars:—the names and addresses, and the occupations, if any, of the members of the Company, and the number of shares held by each member, distinguishing each share by its number and the amount paid or agreed to be considered as paid on the shares of each member; and such book or books shall be open to the public at all reasonable hours.

Powers of the
directors to
control affairs
of the com-
pany and to
make by-laws
for certain
purposes.

20. The Directors for the time being, or the majority of them, shall have full power in all things to administer the affairs of the Company, and may, from time to time, make, alter and repeal such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, and, among others, for the following, to wit:—

Management.

1. For the direction, conduct and government of the said Company, and of its property, real and personal, and its improvement and regulation throughout the year:

2. For the appointment, regulation and removal of the officers, Officers.
 rks and servants of the said Company, and the election and
 remuneration of the Directors thereof:

3. For regulating the mode in which all contracts to be entered Contracts.
 o by the said Company, of whatever nature, may be entered
 o and executed on behalf of the said Company :

4. To regulate the allotment of stock, the making of calls there- Stock.
 the payment thereof, the transfer of stock on the books of the
 npany, the declaration and payment of dividends, the number
 Directors, the appointment, functions, duties and removal of all
 nts, officers and servants of the Company, the security to be
 en by them to the Company, and their remuneration :

. And finally, for the doing of every thing necessary to carry General pur-
 the provisions of this Act according to their intent and spirit : poses.
 vided always that such by-laws shall have force and effect only.
 il the next annual meeting of the Company after the passing Proviso : for
 the same, when they shall be submitted to such meeting, and confirmation
 default of confirmation thereat, shall, at and from the time of by sharehold-
 h meeting, cease to have force, until sanctioned by a majority of ers.
 ckholders, present in person or by proxy, at any annual or
 er general meeting.

21. The Directors may elect from among their number a Pre- Officers.
 ent, a Vice-President and a Managing Director of the said
 mpany.

22. The said Company shall have power to collect and receive Collection and
 charges, subject to which goods or commodities may come into payment of
 ir possession, and on payment of such back charges and with- back charges.
 any formal transfer, shall have the same lien for the amount
 reof upon such goods or commodities as the persons to whom
 h charges were originally due had upon such goods or commo-
 ies while in their possession, and shall be subrogated by such
 ments in all the rights and remedies of such persons for such
 rges.

23. It shall be the duty of the Directors to make annual divi- Dividends and
 ds of so much of the profits of the said Company as, to them yearly state
 a majority of them shall seem advisable ; and once in each ments of
 r an exact and particular statement shall be rendered by them affairs.
 the state of affairs, debts, credits, profits and losses of the said
 npany ; and such statements shall appear on the books, and be
 n for the perusal of any stockholder on request, at least one
 nth before the annual meeting of the said Company.

24. No stockholder in the said Company shall be, in any man- Liability of
 whatsoever, liable for or charged with the payment of any shareholder
 t or demand due by the said Company, beyond the amount limited.
 aining unpaid of his, her or their subscribed share or shares
 he capital stock of the said Company.

Certain sections of 32, 33 V., c. 21 to apply.

25. The eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of the Statute, thirty-second and thirty-third Victoria, chapter twenty-one, being "*An Act respecting larceny, and other similar offences*," shall be applicable and shall be applied to all false warehouse and other receipts referred to in this Act, and any person or persons knowingly giving, accepting, transmitting and using the same, shall be subject to all the pains and penalties imposed by the said eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of that Act, or by any of them, in respect of the receipts therein specified.

Lien of Company not to affect previous claims.

Rights of Company and other parties.

26. The right of the Company to any lien shall in no way affect, nor be construed to affect, impair or lessen, any pre-existing pledge, mortgage, lien or sale of goods in respect of which a privilege may be claimed by the said Company; this section shall not be so construed as to give to any person holding a mortgage or lien upon goods and effects, or to any purchaser or pledgee of goods and effects upon which the Company claims any privilege, any greater, further or better right as pledgee, mortgagee or purchaser than such person, purchaser or pledgee would have against any individual holding the privilege claimed by the Company,—the true intent and meaning of this section being that the respective rights of the Company, and of any such mortgage, pledgee or purchaser, shall stand in the same position towards each other as they would in the case of individuals holding similar conflicting claims according to the laws of that Province of this Dominion in which the transactions upon which such rights may be based, shall have taken place.

Act to be subject to any general act.

27. The powers hereby given, and any rights hereby granted, shall be subject to any future legislation regulating the business of warehousemen.

CHAP. 112.

An Act to incorporate the Maritime Warehousing and Dock Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS it is desirable that additional facilities be afforded at the City of Saint John, in the Province of New Brunswick, for the warehousing of produce and other effects and merchandize; and whereas the persons hereinafter mentioned and others have, by petition, prayed to be incorporated for the purpose of creating such additional accommodation, and for other purposes hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. James Domville, William Henry Harrison, George McKean, George S. Deforest, William Henry Thorne, William Davidson, James Scovil, all of Saint John aforesaid, Esquires, and every such person or persons, body and bodies politic and corporate, shall under the authority of this Act be associated with them, and their several and respective successors, executors, administrators and assigns, as stockholders in the corporation hereby created, shall be a body politic and corporate by the name of the "Maritime Warehousing and Dock Company," and by that name shall and may have perpetual succession, and a common seal with power to break and alter the same ; and by that name shall and may sue and be sued, implead and be impleaded, in all courts of law or equity in this Dominion ; and the said corporation shall have their principal place of business at Saint John aforesaid, but may open such office or offices at such places, either in this Dominion or elsewhere, as may be found necessary or convenient for the purpose of their business.

Incorporation.
Corporate name and general powers.

2. The said Company is hereby authorized and empowered, at its own cost and charges, to erect and build, hire and lease, sheds, stores, warehouses, wharves, lumber yards, coves, booms, slips, piers, cranes, tramways and all other buildings, machinery and appurtenances which may be necessary or convenient to conduct the business of the said Company, in any place in the Dominion of Canada, for the reception and storage of goods, wares, lumber of all sorts and merchandize, free of duty or in bond or otherwise, together with such tramways, elevators and other constructions and erections whatsoever, as may be requisite or useful for the reception, safe-keeping and shipment of merchandize, produce and other effects.

Company may acquire property for the purposes of its business.

3. The said Company may, from time to time, purchase, hire, lease and hold such immovable property as may be necessary for carrying on the business of the said Company, not exceeding twenty-five thousand dollars in annual value in any one county or district, and may sell, lease or otherwise dispose of such property from time to time as they may see fit.

Real property.

4. The Company may issue certificates of goods received, or warehouse receipts therefor, on the production of which by the holder thereof, and on compliance by him with the terms thereof, the said Company shall be compellable to deliver such goods ; and such warehouse receipts shall be transferable by endorsement, either special or in blank ; and such endorsement shall transfer all right of property and possession of such goods to the endorsee or holder of such warehouse receipts, as fully and completely as if a sale and delivery of the goods mentioned therein had been made in the ordinary way ; and on delivery of such goods by the said company in good faith to a person in possession of such warehouse receipts, the said Company shall be free from all further liability in respect thereof : Provided always, that the said Company shall be subject, in respect of such goods and in respect of such warehouse receipts, to all the obligations and duties imposed upon warehousemen

Issue of certificates of goods and warehouse receipts.

Transferable.

Effect of transfer.

Proviso.

warehousemen, either by the statute law or by the common law of that part of Canada where they may be carrying on business.

Company may
make ad-
vances on
goods, &c.

Proviso ; sale
of goods for
non-payment
of advances.

Notice of sale.

As to advances
made by
promissory
notes.

Charges by
the Company.

Capital stock
and shares.

5. The Company may, from time to time, make advances on goods, wares or lumber stored in, at or on the wharves, stores, or warehouses, lumber yards, coves or booms of the said Company ; and may charge a commission on such advances, not exceeding two and a half per centum on the amount thereof ; for which advances and commissions the said Company shall have a lien upon such goods ; but no lien shall attach in favor of the Company on any goods, wares and merchandize for which it may issue a receipt, the extent and nature of which lien shall not be clearly expressed upon the face of, and be evidenced by such receipt itself : Provided that in the event of the non-payment of such advances when due, the Company may sell the goods whereon such advances have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the Company upon such advances, with any interest and costs, returning the surplus, if any, to the owner thereof ; but no sale of any goods shall take place under this Act, until or unless thirty days' notice of the time and place of such sale has been given, by registered letter transmitted through the post-office to the owner of such goods, prior to the sale thereof.

6. All the rights, powers and privileges belonging to the said Company, for moneys advanced upon goods and effects in its possession, to the owners of such goods and effects, shall also avail to their benefit for advances made by means of promissory notes of the Company, payable to the order of such owners, or obtained by means of the endorsation by the Company of any negotiable paper, and the negotiation of such paper by or for the owners or holders of such goods and effects.

7. The Company may charge, on all property placed with them or in their custody, a fair remuneration, or such sums as may be agreed upon, for the storage, warehousing, wharfage either at top or side, dockage, slippage, cranage, craulage, gauging, testing, cooperage or other care or labor in and about such property on the part of the said Company, or which such property may have received while in its care or custody.

8. The capital stock of the Company shall be four hundred thousand dollars current money of the Dominion, in shares of fifty dollars each ; and such shares shall be transferable upon the books of the said Company in such manner and subject to such restrictions as shall be fixed by the by-laws of the said Company : Provided always that no person to whom shall be allotted any stock in the said Company shall be exempted from liability to the creditors thereof, or from payment of any calls thereon, by reason of any transfer which he may make of such stock, until the whole amount of the stock so allotted to him be paid in full by the holder thereof, or unless the transfer thereof be consented to by the said Company : and such stock shall be called in and paid for.

instalments and upon such notice as shall be fixed by the
 tors: Provided always, that the said Company shall not com-
 e operations until one-half of the said capital shall be subscribed
 od faith, and ten per centum thereon paid in. The Company
 also issue bonds bearing any legal rate of interest, payable in
 John or elsewhere, and secure the same, if deemed expedient,
 ortgage of its property or franchises, and dispose of the same
 ch manner, and to such extent, and at such price, as the Direc-
 nay think best.

When Com-
 pany may
 commence
 operations.
 Company
 may issue
 bonds, &c.

The Directors may, from time to time, make such calls upon
 members, in respect of all moneys unpaid upon their respective
 s, as they shall think fit,—provided that, twenty-one days at
 east before the day appointed for each call, notice thereof
 be served on each member liable to pay the same, by posting
 notice to his address on the stock books of the Company; but
 ll shall exceed the amount of ten per cent. per share, and a
 d of three months at least shall intervene between two suc-
 re calls.

Calls.

Limitatio .

Each member shall be liable to pay the amount of any call
 de upon him, to such person and at such time and place as
 Directors shall appoint.

Payment.

A call shall be deemed to have been made at the time when
 esolution of the Directors authorising such call was passed;
 f a shareholder shall fail to pay any call due from him before
 the day appointed for payment thereof, he shall be liable to
 interest for the same at the rate of ten per cent. per
 m, or at such other less rate as the Directors shall determine,
 the day appointed for payment to the time of actual payment
 of.

What shall
 be a valid
 call.
 Penalty for
 non-payment.

If any member fail to pay any call on the day appointed
 ie payment thereof, the Directors may, at any time thereafter
 g such time as the call may remain unpaid, serve a notice
 m, requiring him to pay such call, together with any interest
 may have accrued due thereon by reason of such non-pay-
 ; and such notice shall name a day (not being less than
 ty-one days from the date of such notice) and a place on and
 rich such call and interest, and any expenses that may have
 incurred by reason of every such non-payment are to be paid;
 uch notice shall also state that, in the event of non-payment
 before the time and at the place so appointed as aforesaid,
 hares in respect of which such call was made will be liable
 forfeited.

Notice in
 default of
 payment, and
 forfeiture.

If the requisitions of any such notice are not complied
 any share in respect of which such notice has been given
 at any time thereafter before payment of all calls, interest
 xpenses due in respect thereof, be forfeited by a resolution
 e Directors to that effect.

Forfeiture
 resolution.

Forfeited
shares how
dealt with.

14. Every share which shall be so forfeited shall be deemed to be the property of the Company, and may be sold, re-allotted or otherwise disposed of, upon such terms, in such manner, and to such person or persons, as the Company shall think fit.

Liability for
calls notwith-
standing for-
feitures.

15. Any member whose shares shall have been forfeited shall, notwithstanding such forfeiture, be liable to pay to the Company all calls, interest and expenses owing upon such shares at the time of forfeiture.

Proof of for-
feiture.

16. A declaration in writing, by the Secretary or other thereto duly authorized officer of the Company, that a call was made and notice thereof duly served, and that default in payment of the call was made in respect of any share, and that the forfeiture of such share was made by a resolution of the Directors to that effect, shall be sufficient evidence of the facts therein stated as against all persons entitled to such share; and such declaration and the receipt of the Company for such price of such share shall constitute a good title to such share; and the purchaser shall thereupon be deemed the holder of such share discharged from all calls due prior to such purchase, and shall be entered into the register of members in respect thereof; and he shall not be bound to enquire or see to the application of the purchase money, nor shall his title to such share be impeached or affected by any irregularity in the proceedings of such sale.

Title of pur-
chaser.

Stock may
be issued in
payment of
property
purchased.

17. The Directors shall have power to issue paid up stock in the said Company, in payment of the price of real estate which it may require for the purposes of this Act; and such paid-up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the said Company or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said Company, and paid by the holder thereof in full.

Company
may be parties
to notes, &c.

Proviso.

Proviso.

Proviso.

18. The said Company may, from time to time, for the purposes of its business as it may require so to do, make and become parties to, sign, endorse and accept cheques, promissory notes and bills of exchange, for any sum not less than one hundred dollars: Provided always that no such cheque, promissory note or bill of exchange shall be made payable to the bearer thereof, or be circulated or intended to be circulated as money: Provided also that to bind the said Company as a party to any such cheque, promissory note or bill of exchange, the signatures of the President, or in his absence of the Vice-President, and the Secretary or Manager shall be necessary; or, if there be no Secretary or Manager, then the signatures of the President, or in his absence, of the Vice-President, and of another Director shall be necessary; Provided always that the Directors of the said Company shall have the power by by-law specially to authorize any one officer of the Company to make, sign and endorse bills, cheques and notes in his own name alone as such officer.

19. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer, or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding on the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special order or vote; nor shall the party so acting as agent, officer, or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor: Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank.

Acts of parties
duly autho-
rized to bind
the Company.

Proviso.

20. At all meetings of the stockholders held in pursuance of this Act, whether the same be annual or special, every stockholder shall be entitled to as many votes as he has shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the stockholders present, in person or by proxy, except in any case or cases otherwise provided for by this Act: Provided always that no person shall be entitled to vote as proxy at any meeting unless he shall be a stockholder in the said Company, and produce written authority as such proxy.

Votes at
meetings.

Majority to
decide.

Proviso as to
proxies.

21. If, at any future period, the said sum of four hundred thousand dollars shall be found insufficient for the purposes of this Act, it shall be lawful for the said Company from time to time, to increase their capital stock to any further sum not exceeding two million dollars currency, subscribed either among themselves or by the admission of new stockholders,—such new stock being divided into shares of fifty dollars each: Provided always that such increase be decided upon and ordered by a majority of all the stockholders representing not less than one half the capital stock of the said Company, present in person or by proxy, at a meeting held for the purpose.

Provision for
increase of
capital.

Proviso.

22. Until the election of Directors as hereinafter mentioned, the said James Domville, William Henry Harrison, George McKean, George S. Deforest, William Henry Thorne, William Davidson and James Scovil, Esquires, shall be the Provisional Directors of the said Company, with power to open books for the subscription of stock therein and generally to exercise the usual functions of Provisional Directors until such first election; and such first election of Directors shall be made at a general meeting of the stockholders of the said Company to be held for that purpose at the City of Saint John, New Brunswick, so soon as one-half

Provisional
Directors.
Subscriptions
for stock.

First meeting
of shareholders

half of the capital stock of the said Company shall have been subscribed for, and after such notice thereof shall have been given, as is hereinafter required for special general meetings of stockholders in the said Company; and at such meeting, seven Directors shall be elected to hold office until the first Wednesday in the month of October then next; and after such first election, the stock, real estate, property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, to be annually elected by the stockholders, at a meeting of stockholders to be held for that purpose on the first Wednesday in the month of October in each year,—notice of which annual meeting shall be given in the manner hereinafter mentioned; and no person shall be a Director of the said Company, unless he be the proprietor of at least ten shares of stock therein.

Election of Directors.

Annual election.
Notice.

Qualification of Directors.

Proceedings at election of Directors.

Ties.

Vacancies, how filled.

23. Such meeting shall be held, and such election made, by such of the stockholders of the said Company as shall attend for that purpose, in their own proper persons or by proxy; and all elections for such Directors shall be by ballot; and the seven persons who shall have the greatest number of votes, at any such election, shall be Directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number of persons than seven shall, by a majority of votes, appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election, shall proceed to ascertain by ballot which of the said persons, so having an equal number of votes, shall be a Director or Directors, to complete the whole number of seven; and if any vacancy shall at any time happen among the Directors, by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year in which it may happen, and until the next annual meeting for the election of Directors, by a person to be elected by the stockholders in manner aforesaid, at a special general meeting thereof duly called for that purpose.

Failure of election not to dissolve corporation.

24. In case it shall, at any time, happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Company shall not for that cause be deemed to be dissolved,—but it shall and may be lawful on any subsequent day to make and hold an election of Directors at the place for holding the annual meetings of the Company, after notice of such meeting shall have been given for at least two weeks in two of the principal newspapers of Saint John aforesaid, and in such manner as shall have been regulated by the by-laws of the said Company; and the previous Directors shall, in every case, hold office until the election of their successors.

Special general meetings.

Notice.

25. Special general meetings of the stockholders may be convened on the requisition of any three Directors or of a stockholder or stockholders possessing fifty shares of the stock of the said Company; and notice of such meeting and of the annual meetings of the said Company shall be held to be validly given, if inserted

four times as an advertisement in any two newspapers published in the City of Saint John; the first of which insertions shall be at least ten days previous to the day fixed for such meeting.

26. The Directors for the time being shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into, and may, from time to time, make, alter and repeal such by-laws, rules and regulations as to them shall appear needful and proper for the purposes of this Act, and among others for the following, to wit:—

Power of Directors to control affairs of the Company and to make by-laws for certain purposes.

1. For the direction, conduct and government of the said Company and of its property, real and personal, and its improvement and regulation throughout the year;

2. For the appointment, regulation and removal of the officers, clerks and servants of the said Company, and the election and remuneration of the Directors thereof;

3. For regulating the mode in which all contracts to be entered into by the said Company, of whatever nature, may be entered into and executed on behalf of the said corporation;

4. To regulate the allotment of stock, the making of calls thereon, the payment thereof, the transfer of stock, the declaration and payment of dividends, the number of Directors, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration, and that (if any) of the Directors;

5. And finally, for the doing of everything necessary to carry out the provisions of this Act according to their intent and spirit:

Provided always, that such by-laws shall have force and effect only until the next annual meeting of the Company after the passing of the same, when they shall be submitted to such meeting and in default of confirmation thereat shall, at and from the time of such meeting, cease to have force until sanctioned by a majority of stockholders present in person or by proxy at any annual or other general meeting.

Proviso, for confirmation by shareholders.

27. The Directors may elect from among their members a President and Vice-President of the said Company.

Officers.

28. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession; and on payment of such back charges, and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due had upon such goods or commodities, while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collection and payment of back charges.

29. The said Company is hereby authorized to make contracts of insurance against all loss, damage or injury of the goods and effects

Company may insure goods entrusted to them.

And recover
damages.

effects entrusted to its safe keeping, or upon which it may have made advances, to the full amount of the value of such goods and effects, and may obtain policies in the name of the Company, evidencing such insurances; and shall have a right to recover from the insurers the full amount of damages or loss caused by any accident or casualty against which it shall have been insured, notwithstanding that it may not be interested in such goods and effects to the extent of such loss or damage, and notwithstanding that, at the time of such insurance and at the time of such accident or casualty, it was only bailee of such goods and effects; and it may sue for and recover the amount of such loss and damage, as owner of such goods and effects, and shall be deemed for the purpose of such recovery, to be owner of such goods and effects,—any law, usage or custom to the contrary notwithstanding.

And may
transfer
its claim.

Form of trans-
fer and its
effect.

30. The said Company may also transfer to the owners or pledgers of such goods and effects, its claim against the insurers under any such policy of insurance, to the extent of any amount agreed upon between the Company and such owners or pledgers; and such transfer may be made by means of a certificate, signed by the Company, purporting that the effects held by the Company and mentioned in such certificate are insured under the policy (describing it) to the amount agreed upon and set forth in the certificate, the loss upon which effects (if any) may be made payable to the holder or endorsee of such certificate: Provided that such holder or endorsee be also at the same time the holder of the warehouse receipt representing such effects: and thereafter the right of action of the Company, under the policy, shall be reduced by the amount mentioned in the certificate, and the holder of the certificate shall be entitled to recover from the insurers who issued the policy, such amount of loss or damage as the goods purporting to be insured may have suffered, and as may be recoverable under the policy.

Dividends and
yearly state-
ments of
affairs.

31. It shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or a majority of them shall seem advisable; and once in each year an exact and particular statement shall be rendered by them of the state of the affairs, debts, credits, profits and losses of the said Company and such statements shall appear on the books, and be open for the perusal of any stockholder upon request, at least one month before the annual meeting of the said Company.

Liability of
shareholders
limited.

32. No stockholder in the said Company shall be in any manner whatsoever liable for, or charged with the payment of any debt or demand due by the said Company, beyond the amount remaining unpaid of his, her or their subscribed share or shares in the capital stock of the said Company.

Certain sec-
tions of 32, 33
V., c. 21 to
apply.

33. The eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of the Statute thirty-second and thirty-third Victoria, chapter twenty-one, being "*An Act respecting Larceny and other similar offences*," shall be applicable and shall be applied to all ~~the~~ ^{ware}

house and other receipts referred to in this Act; and any person or persons knowingly giving, accepting, transmitting and using same, shall be subject to all the pains and penalties imposed by said eighty-eighth, eighty-ninth, ninetieth and ninety-first sections of that Act, or by any of them, in respect of the receipts therein specified.

4. The right of the Company to any lien shall in no way affect, be construed to affect, impair or lessen, any pre-existing mortgage, lien or sale of any goods in respect of which a privilege may be claimed by the said Company: this section shall not be so construed as to give to any person holding a mortgage or lien upon lands and effects, or to any purchaser or pledgee of goods and effects in which the Company claims any privilege, any greater, further or better right, as pledgee, mortgagee or purchaser, than such person or purchaser or pledgee would have against any individual holding a privilege claimed by the Company,—the true intent and meaning of this section being, that the respective rights of the Company of any such mortgagee, pledgee or purchaser, shall stand in the same position towards each other as they would in the case of individuals holding similar conflicting claims, according to the law of the Province of this Dominion in which the transactions in which such rights may be based shall have taken place.

Lien of Company not to affect previous claims.

Rights of Company and of other parties.

5. The powers hereby given, and any rights hereby granted shall be subject to any future legislation regulating the business of warehousemen.

Act to be subject to any general Act.

CHAP. 113.

Act to incorporate the “Dominion Express Company.”

[Assented to 23rd May, 1873.]

HEREAS the several parties hereinafter named have, by their petition, represented that they have associated themselves together, with divers others, for the purpose of the transport and conveyance of money, packages of goods, chattels and merchandise, and of every description of property may be intrusted to their care, for transport, carriage and delivery to and from any part or portion of the country being within the Dominion of Canada; and the more effectually to carry out this purpose, they have prayed that an Act be passed incorporating them with powers hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

The Honorable William Pearce Howland, Companion of the Bath, incorporated.

Corporate
name and
general
powers.

- Bath, of the City of Toronto, in the Province of Ontario ; the Honorable David Lewis Macpherson, of the same place, Senator ; Casimir Stanislaus Gzowski, of the same place, Esquire ; John Crawford, of the same place, Esquire, M. P. ; George Airey Kirkpatrick, of the City of Kingston, in the said Province, Esquire, M.P. ; Alexander Gunn, of the same place, Esquire ; John Curtis Clark, of the same place, Esquire ; Horatio Yates, of the same place, Esquire, M. D. ; William Robert Mingaye, of the same place, Esquire and such others as may be associated with them, and their successors, and such and so many other persons or parties as have become or may become shareholders in the capital stock hereinafter mentioned shall be and they are hereby constituted a body politic and corporate, in fact and in name, and by the title of the " Dominion Express Company,"—with power to acquire and hold real and personal estate for the use of the said corporation, and to sell and alienate the same as they may deem convenient.

Capital stock
and shares.

- 2. The capital stock of the said corporation shall be one million dollars, divided into ten thousand shares of the value of one hundred dollars each.

Liability of
shareholders
limited.

- 3. No shareholder in the said Company shall be in any manner liable or charged with the payment of any debt or demand due by the said corporation, beyond the amount of his, her or their subscribed share or shares in the capital stock of the said corporation.

Business to be
transacted by
company.

- 4. It shall and may be lawful for the said Company—
 - (1.) To contract with railway companies, steamboat companies or owners, stage or waggon proprietors and others, for the carriage and transport of any goods, chattels, merchandise, money, packages or parcels that may be entrusted to them for conveyance from one place to another within the Dominion of Canada ;
 - (2.) To contract with British and foreign express companies, and other parties, for co-operating with and transacting such business as aforesaid in connection with the said Company ;
 - (3.) To acquire, construct, charter and maintain boats, vessels, vehicles and other conveyances for the carriage and transport of any goods or chattels whatsoever by the Company ;
 - (4.) To make by-laws for managing the business and affairs of the Company, and for regulating the appointment and duties of the officers and servants thereof.

Transfer of
shares.

- 5. The shares of the stock of the said corporation shall be transferable ; but no transfer of any share shall be valid until entered in the books of the corporation, according to such form as the Directors may, from time to time, direct ; and until the whole of the capital stock of the said corporation is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made.

Provided always, that no shareholder indebted to the said corpora- Proviso.
tion for calls or otherwise, shall be permitted to make a transfer
or receive a dividend until such debt has been duly paid.

6. The stock of the said corporation shall be deemed personal Shares to be
personal
estate.
estate, notwithstanding the conversion of any portion of the funds
constituting the same into lands ; and at all meetings of the share-
holders held in pursuance of this Act, whether the same be general
or special, every shareholder shall be entitled to as many votes as Votes and
majority.
he or she shall have shares in the said stock, and such votes shall
be given in person or by proxy ; and all the questions proposed or
submitted for the consideration of the meeting, shall be deter-
mined by the majority of votes : Provided that no person shall Proviso as to
proxies.
be entitled to vote as proxy at any meeting unless he shall be a
shareholder in the said corporation, and produce written authority
as such proxy in the form to be prescribed by any by-law of the
said corporation.

7. For the managing of the affairs of the said corporation there Election of
Directors.
shall, from time to time, be elected out of the members of the said
corporation, seven persons, being each a proprietor of not less than
one hundred shares of the said capital stock, to be Directors of the
said corporation,—which number may be increased to nine or
diminished to five by by-law of the said corporation ; and a major-
ity of the said Directors shall form a quorum of the Board, and Quorum.
may exercise all the powers of the Directors.

8. Whenever any vacancy shall happen among the Directors, Vacancies
among Direc-
tors, how filled.
by death or resignation, such vacancy shall be filled up until the
next general meeting of the shareholders, by the appointment of
some one of the shareholders, qualified as aforesaid, to fill the
vacancy so occurring by death or resignation as aforesaid ; and
the majority of the Directors for the time being shall have power
and authority to elect or appoint the person to fill or supply the
vacancy made in the Board of Directors by either of the causes Calls, how
made and
enforced.
aforesaid ; and the Directors shall have power and authority to
make such calls for money from the several shareholders for the
time being, as may be provided for by any by-law, rule or regula-
tion of the said corporation ; and they may sue for and get in all
calls, whether already made or hereafter to be made, or cause and
declare the said shares to be forfeited to the said corporation in
case of non-payment, on such terms and in such ways as shall be
prescribed by some by-law of the said corporation ; and, in order
to maintain an action for the recovery of calls due, it shall be suf- Allegations
and proof in
such case.
ficient to prove, by any one witness, that the defendant, at the time
of making such call, was a stockholder in the number of shares
alleged, and that the calls sued for were made and notice thereof
given in conformity with the by-laws of the said corporation ; and
it shall not be necessary to prove the appointment of Directors or
any other matter whatsoever.

9. The Directors of the said corporation shall have full power Power to
make con-
tracts, and
may
in all things to administer the affairs of the said corporation, and

by-laws for
certain pur-
poses.

may make or cause to be made for the said corporation any description of contract which the said corporation may, by law, enter into ; and may, from time to time, make by-laws not contrary to law to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock ; the declaration and payment of dividends ; the number of the Directors, their term of service, the amount of their stock qualification ; the appointment, functions, duties and removal of all agents, officers and servants of the said corporation, their remuneration, and that (if any) of the Directors ; the time at which and the place or places where the annual meetings of the corporation shall be held, and where the business of the said corporation shall be conducted ; the calling of meetings regular and special, of the Board of Directors and of the said corporation, the quorum, the requirements as to proxies, and the procedure in all things at such meetings ; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all particulars of the affairs of the said corporation ; and may, from time to time, repeal, amend or re-enact the same ; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the said corporation duly called for that purpose, shall only have force until the next annual meeting of the said corporation, and in default of confirmation thereat shall, from that time only, cease to have force.

Proviso for
confirmation
of by-laws by
shareholders.

Copy of by-
law to be
evidence.

10. A copy of any by-law of the said corporation under their seal, and purporting to be signed by any officer of the said corporation, shall be received as *prima facie* evidence of such by-law in all courts of law or equity in this Dominion.

First general
meeting and
election of
Directors.

11. The first general meeting of the shareholders of the said corporation shall be holden at the office of the said corporation, in the City of Toronto, at which place the said corporation shall have its principal place of business, unless otherwise provided by a by-law of the said Company, on the first day of July in the year of Our Lord, one thousand eight hundred and seventy-three ; and at such time and place, and upon the like day in each and every year thereafter, until otherwise provided for by by-law, the said shareholders shall elect seven qualified persons to be Directors of the said corporation, which said Directors so elected, shall elect a President : and until such first election, the Directors of the said corporation are hereby declared to be the Honorable William Pearce Howland, C.B., the Honorable David L. Macpherson, Casimir Stanislaus Gzowski, Esquire, John Crawford, Esquire, M. P., George Airey Kirkpatrick, Esquire, M. P., Alexander Gunn, Esquire, and John Curtis Clark, Esquire ; and they, or the successor or successors of them, shall be and are constituted to be Directors of the said corporation, and shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions and restrictions imposed upon the Directors.

Provisional
Directors and
their powers.

chosen under this Act : Provided that at the first meeting of the Directors to be chosen after the passing of this Act, the said Directors shall choose and elect from among themselves, some one to be President ; Provided also that no meeting of Directors shall be held out of the Dominion of Canada. Proviso ;
election of
President.

Proviso.

12. The failure to hold the said first general meeting or any other meeting to elect Directors or President shall not dissolve the said corporation ; but such failure or omission shall and may be supplied by and at any special meeting to be called by the Directors in conformity with the by-laws of the said corporation ; and until the election of Directors by the shareholders as aforesaid, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof, until such election so to be made by the shareholders, as herein provided. Proviso in
case of failure
to hold a
meeting.

13. It shall not be lawful for the said corporation to proceed with their operations under this Act, unless they shall have paid up the sum of ten per centum on the amount of their capital stock. Ten per cent
to be paid on
stock before
commencing
business.

14. It shall and may be lawful for the said Company at any time, upon a vote of the stockholders or a majority of them, at a meeting to be specially called for the purpose, to increase the capital stock of the Company as they may find or deem their business to require, to any amount not exceeding two millions of dollars : Provided always that upon such increase of capital, there shall be at the time of subscribing the same, at least ten per cent paid in, and such order made for the calling in of the remainder as the Directors by by-law may direct. Power to
increase
capital.

Proviso :
ten per cent.
to be paid up.

15. The powers and privileges hereby conferred shall be subject to the provisions of any general Act that may hereafter be passed by the Parliament of Canada. Act to be sub-
ject to any
general Act.

CHAP. 114.

An Act to incorporate the Canada Car and Manufacturing Company.

[Assented to 23rd May, 1873.]

WHEREAS the "Canada Car Company" have, by their petition, set forth that with a view to extend their usefulness for manufacturing generally, and to enable them the better supply the great demand for rolling stock and other material for railway companies now in existence and hereafter to be formed, in all parts of the Dominion, it is necessary that their capital stock should Preamble.

should be increased, and greater powers should be conferred upon them than they at present possess under their charter of incorporation, and, whereas they have petitioned for a special Act for the purpose aforesaid, conferring on them more extensive powers, and giving them authority to increase their capital and to change the name as hereinafter mentioned; and it is expedient to grant the effect of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- | | |
|---|--|
| Incorporation. | 1. The shareholders of the "Canada Car Company," incorporated by letters patent under the " <i>Canada Joint Stock Companies Letters Patent Act</i> , 1869," together with such other persons who may hereafter become shareholders in the Company, shall constitute to be and are hereby constituted a body politic and corporate under the name of "The Canada Car and Manufacturing Company," with all and every the incident powers and privileges to such Company heretofore belonging and hereinafter mentioned: Provided that nothing herein contained shall be construed in any way as ever to affect any right or liability of the said Canada Car Company under its present charter of incorporation, or the rights or liabilities of the shareholders of the Company on their subscriptions and their payments made on account of the same or otherwise in respect of any contract, matter or thing affecting the said Company or any action, suit or proceeding commenced on behalf of or against the Company at the time of the passing of this Act: and all property, real and personal, heretofore belonging to or vested in the Canada Car Company and all their interest in the same is transferred to and shall from henceforth be held by and vested in the "Canada Car and Manufacturing Company," in the same manner and by the same title and with all the benefits and liabilities attached to the same as existed at the time of the passing of this Act: Provided that the Canada Car and Manufacturing Company hereby formed shall be liable for all the debts and liabilities of the said Canada Car Company, and that the liabilities of the shareholders of the said Canada Car Company are transferred to the Company hereby constituted. |
| Corporate name. | |
| Not to affect liability and rights of existing Company. | |
| Property transferred. | |
| Proviso, as to existing debts. | |
| Chief place of business and branches. | 2. The said Company shall have their principal place of business in the City of Toronto, and they may also carry on business, erect workshops, and open offices at such other places within the Dominion of Canada as the shareholders may, at a general meeting, from time to time determine. |
| Board of Directors. | |
| Quorum. | 3. The affairs of the Company shall be administered by a Board of nine Directors, being severally holders of at least forty shares of stock, and not in arrear of any call thereon, who shall be elected at each annual meeting of the Company and shall continue in office until their successors are elected, and who (if qualified) may always be re-elected; and three members of the Board, present in person, shall be a quorum thereof; and in the case of the death, resignation, removal or disqualification of any |

The Board, if they see fit, may fill the vacancy until the next annual meeting of the said Company, by appointing any qualified shareholder thereto; but a failure to elect Directors or any failure of Directors shall not dissolve the corporation, and an election may be had at any general meeting of the Company called for that purpose. The first Directors of the Company incorporated under the Act shall be John Crawford, Hon. John McMurich, C. J. Campbell, Hugh Baines, Frank Shanly, Nicol Kingsmill, Clarkson Macdonald, H. S. Howland and John L. Blaikie, and they shall hold office until the next annual meeting of the Company.

Vacancies,
how filled.

Provision in
case of failure
of election.

First board of
Directors.

The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the Company may by law make, to adopt a common seal, to make from time to time any and all by-laws (not contrary to law or to the votes of the Company) regulating the calling in of instalments of stock and payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the sale of forfeited stock and the proceeds thereof, the transfer of stock; the declaration and payment of dividends; the appointment of functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company; their remuneration, and that, if any, of the Directors; the time and place for holding the annual and other meetings of the Company; the calling of meetings of the Company and of the Board of Directors; the requirements as to proxies; the procedure at such meetings; the site of their chief place of business, and of any other office or offices they may require to have; the composition and recovery of all penalties and forfeitures resulting from regulation by by-law; and the conduct in all other particulars of the affairs of the Company: but every such by-law shall be subject to repeal, amendment and re-enactment thereof shall have effect only until the next annual meeting of the Company, unless confirmed at some general meeting of the Company; and every by-law of any by-law under the seal of the Company, and purporting to be signed by any officer of the Company shall be received in evidence as *prima facie* evidence of such by-law: Provided always, that one-fourth in value of the shareholders of the Company shall at all times have the right to call special meetings for the transaction of any business stated in such written requisition and notice as they may issue to that effect.

Directors to
manage affairs
and make by-
laws for cer-
tain purposes.

Proviso; by-
laws to be con-
firmed.

The said Company may carry on the manufacture of railway trucks, carriages, rolling stock, locomotive engines and equipment of all kinds, including everything employed in and about the construction of such cars, trucks, carriages, rolling stock and material; and whether consisting of wood, metal, cloth, leather or any other material; they may also manufacture and construct rails and points and everything used or employed in the fixing, laying and securing of rails, and in and about the construction of a railway; and may manufacture any materials and articles of metal, wood or other raw materials, and may erect and construct

Business of the
company.

construct all things in which metal and wood form a part.

Further powers of the Company.

6. The Company may sell or lease rolling stock and all things manufactured by them to any person, company corporate, whether residing or doing business within or without the Dominion of Canada; and they may purchase, lease or exchange all kinds of rolling stock, railway material and articles the Company may require, and may re-sell or lease the same; and for the purposes aforesaid they may make all contracts, do all acts, and exercise all powers consistent with this Act. In the course of such business they may agree for, take, dispose of and enforce any species of security which a private individual might agree for, take, dispose of and enforce, including the debentures of any other company or corporation.

Company may acquire patents.

7. The said Company may, from time to time, for the purpose of manufacturing or using the same, acquire such patent rights as may have been already or shall hereafter be granted in the Dominion of Canada or elsewhere, and may sell the same, and they shall thereby acquire and enjoy the same exclusive immunities, privileges and powers, in using, manufacturing or selling the same as a private individual would, under similar circumstances, have acquired and enjoyed.

May acquire lands for certain purposes.

8. The said Company shall have power to acquire such lands as may be necessary for the erection of shops, saw mills and other buildings to be used exclusively for carrying on the business of the Company not exceeding the annual value of ten thousand dollars; and such lands shall be sold when not required for the purposes of the Company.

Running arrangements with railways.

9. The said Company shall have power to enter into arrangements with any railway company for the purpose of running their own cars on such railway at a fixed rate or for hire, and they may either hire traction power from such railway company or provide the same themselves.

Company may borrow money and issue bonds.

10. The said Company may, from time to time, for the purpose of the Company, borrow, either in the Dominion of Canada or elsewhere, such sum or sums of money not exceeding the amount paid up capital of the Company as the Directors for the time being may deem necessary, and may issue bonds therefor in such amounts and made payable at such times and in such ways, and bearing interest and secured in such manner by mortgage or otherwise to the Directors for the time being may seem fit, for carrying out any of the objects or purposes of this Act.

May become parties to promissory notes.

11. The said Company shall have power to draw, endorse, accept promissory notes and bills of exchange, signed by the President or Vice-President, and countersigned by the Secretary or Treasurer: Provided that nothing herein contained shall be deemed to authorize the Company to issue any notes.

Proviso.

bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank; and in no case shall it be necessary to have the seal of the Company affixed to any such promissory note or bill of exchange.

12. The said Company is hereby authorized to increase its capital stock to the sum of two million dollars in shares of one hundred dollars each, which increase shall only be made by a majority of two thirds of the votes of the shareholders assembled at any general meeting of the Company called for that purpose, and may be so made in one vote or from time to time as may be deemed expedient; and thereupon stock books for such additional stock may be opened at such times and places as may be authorized by the Directors for the time being; but the allotment of such stock shall be wholly in the discretion of the Directors, and they shall not be bound to make an allotment to every subscriber unless it seems to them to be for the benefit of the Company so to do.

Increase of capital stock.

Proviso.

13. On the allotment of stock the same shall be paid by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide; and if not paid at the day required, interest at the rate of six per cent per annum shall be payable after the said day upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Directors with the interest thereon, after such demand or notice as the by-laws prescribe, and within the time limited by such notice, the Directors, may by a resolution reciting the fact and duly recorded in their records, summarily forfeit any share whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as the by-laws or votes of the Company may provide: Provided always, that the notice of any such call shall be published for three weeks in some daily paper published in the City of Toronto, and shall be mailed three weeks before the time fixed for the payment of such call, to the post office address of each of the stockholders.

Calls how to be made and paid.

Forfeiture of shares for non-payment.

Proviso.

14. The stock of the Company shall be deemed personal estate, and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Transfer of shares as personalty.

15. Aliens, as well as British subjects, and whether resident in the Dominion of Canada or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all offices as Directors or otherwise in the said Company.

Aliens may be shareholders.

16. At all meetings of the Company, every shareholder not being in arrear in respect of any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company; and no shareholder being in arrear in respect to any

Scale of votes.

Proxy.

call shall be entitled to vote ; and all votes may be given in person or by proxy : Provided always the proxy is held by a shareholder not in arrear, as aforesaid.

Company not bound to see to the execution of trusts.

17. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares ; and the receipt of the person in whose name the same shall stand in the books of the Company shall be a discharge to the Company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Liability of shareholders limited.

18. The shareholders shall not as such or as individuals be liable for any claim, engagement, loss, or payment, or for any matter or thing relating to or in connection with the said Company or the liabilities, acts or defaults of the said Company beyond the amount remaining unpaid on their respective shares.

Shareholders to be liable for wages.

Exception.

Limitation of suits.

19. The shareholders in the Company shall be jointly and severally individually liable for all debts due and owing to any of the labourers and servants thereof for services performed for the Company : but no shareholder in such Company shall be personally liable in respect of any such debt which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt be brought against the Company within one year after the debt became due ; and no suit shall be brought against any shareholder in such Company for any debt so contracted, unless the same be commenced within two years from the time he ceased to be a shareholder in such company nor until an execution against the Company shall have been returned unsatisfied in whole or in part.

General Act (32-33 V., c. 12) to apply.

20. The provisions of "*The Canada Joint Stock Companies Clauses Act, 1869*," shall, except in so far as they are inconsistent with the provisions hereof, apply to the Company hereby incorporated.

Winding up the business of the Company.

Proviso.

21. If at any time the Directors consider it expedient to cease carrying on the business of the Company, and to wind up and close it, they shall have power to do so in such manner as they shall deem best for the interests of the shareholders : Provided that the consent of a majority of the shareholders present at any meeting called for that purpose be obtained thereto.

CHAP. 115

Act to incorporate the Lachine Hydraulic Works Company, and to grant certain powers thereto.

[Assented to 23rd May, 1873.]

VHEREAS the construction of the Works hereinafter mentioned would afford additional facilities to inland navigation, and assist in promoting trade and manufactures, and would be for the general advantage of Canada; and the persons hereinafter named have petitioned to be incorporated for the purposes of this Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

1. That Frederick B. Matthews, John Crawford, Harrison Phelps, Alexander Somerville, Francis Hadley, Daniel Hadley, Frederick Gerrikin, Archibald Ogilvie, John S. Hall, Joseph Rielle, Catherine Dumberry, Joseph Lanouette, François X. Brault, D. M. Lefieux, Charles J. Brydges, Robert J. Reekie, Alexander Cross, Patrick Rooney, James H. Springle, Duncan J. Macdonald and such others as shall become shareholders in the corporation here created, shall be and they are hereby constituted a body corporate and politic by the name of the “Lachine Hydraulic Works Company.”

Certain persons incorporated.

Corporate name.

2. The said corporation, hereinafter called “the Company,” are authorized to construct and maintain, either or all of the works hereinafter designated respectively by the Divisions Numbers One and Two:—

Company empowered to construct certain works.

Division Number One, to consist of a canal from the navigable waters of the River St. Lawrence at some point above the Lachine Rapids, to the western limits of the Harbour of Montreal;

Division number one.

Division Number Two, to consist of a dam from the north bank of the River St. Lawrence to the island in the vicinity of the Lachine Rapids, known as Isle au Heron, with docks, piers, wharves and basins above the said dam, and a canal from the waters above the dam to the western limits of the Harbour of Montreal.

Division number two.

3. The Company may enter upon and survey all lands on the site or localities of said works, and ascertain and set out the portions thereof required for each of said Divisions severally; and as soon as by the terms of this Act they shall be authorized to commence either of said divisions of works, they may purchase and acquire by agreement any lands, real estate or real rights they may judge necessary for such works or advantageous for the creation

Power of company to survey and purchase lands.

creation and operation of water powers, or other useful purposes in connection therewith.

Section 8 of Railway Act, 1868, to apply to works constructed under this Act.

4. Section eight of "*The Railway Act, 1868*" shall be held and considered as incorporated with this Act, and shall form part thereof, and shall be applicable to each of the said two Divisions of work separately and respectively, in so far as the same can be made applicable for the carrying into effect of the purposes of this Act, save that whenever the term "Railway Company" is made use of, in said section eight of said "*Railway Act, 1868*," there shall be substituted and understood to stand instead thereof, "the Company incorporated by this Act," and where the term "Railway" is made use of in said section eight of the said Railway Act, there shall be substituted and understood to stand instead thereof "the works authorized by this Act."

Section 9 of the Railway Act, 1868, to apply to lands to be taken under this Act.

5. Should the lands, real estate or real rights necessary for or affected by the construction of any one of the several Divisions of said works not be acquired or compensated for by agreement, then so soon as the Company shall have become, by the terms of this Act, entitled to commence such Divisions of works respectively, for the acquisition of such lands, real estate or rights as may still be necessary for the said works, and for the settlement of such damages as may be thereby caused, the Company shall have all the powers and authority specified and set forth in section nine of "*The Railway Act, 1868*," in the same manner as if the works authorized by this Act had been the construction of a railway, and the said ninth section of "*The Railway Act, 1868*," had been specially incorporated with the special Act for the construction of such railway, and to form part thereof; and the said ninth section shall be held and considered as incorporated with this Act, save and except only sub-section eighteen of said section nine, which shall not apply, and shall not be held to be incorporated into this Act.

Exception as to sub-section 18.

Power to furnish water power and water supply to City of Montreal.

6. The Company are further empowered from time to time to agree with the Corporation of the City of Montreal, to furnish water power to the latter, as also to supply, in whole or in part, water for the use of the city; and the said Corporation of the City of Montreal are authorized to enter into all such contracts or agreements with said Company, as may be necessary for any of said purposes.

Arrangements with railway companies.

7. The said Company shall also, from time to time, agree with any and all railway companies, having by law authority so to do, to lay down and work railway tracks, sidings and other railway facilities and conveniences in connection with all or any of said works.

General powers for necessary works.

8. The said Company shall also have power, on any of their said works and property, to construct and maintain locks, sluices, piers, basins, wharves, water powers, mills, machines, warehouses, sheds, buildings, elevators, weigh-beams and all other

her works, constructions and appliances as may be incident to, which may be, by them, found necessary or useful in carrying out the objects contemplated by the present Act, and especially for facilitating the unloading, shipment, storing and handling of merchandise,—also railways, railway tracks, stations, turn-tables, and everything necessary for the operation of railways in connection with their said works. They may also, for like purposes, construct, purchase, own and dispose of all kinds of steamers, vessels and other craft.

9. The Company shall construct and maintain on each side of the said canals, proper fences of the height and strength of an ordinary division fence, with openings or gates, and bars therein; shall make and maintain sufficient ditches when necessary to keep the farms free from water from the canals, and shall make and maintain a bridge or farm-crossing over such canals, for each farm through which they or either of them shall pass, for the use of the owner or occupant of such farm; but in case of agreement to that effect with the owner, the Company may arrange to be relieved permanently, or for a time, from erecting and maintaining such fences, ditches, bridges or farm-crossings, and in so doing and on enregistration in the registry office of such agreement, the Company shall be relieved therefrom, according to the terms of the agreement.

Company to construct and maintain fences, bridges, and ditches.

10. The Company may use or dispose of their water, water powers, mills, machinery, warehouses, sheds and other property and conveniences (including lands not required for the docks or canals), by sale, lease or otherwise, on such terms as they see fit; and may, from time to time, repurchase or acquire the same or others in connection with their works, by purchase, lease or otherwise, and again dispose of them in like manner.

Power to use and dispose of waterpowers, mills, &c.

11. If any person shall, by any means or any manner or way whatsoever, obstruct or interrupt the free use of the said canals, or the works incidental or relative thereto or connected therewith, or do damage thereto or to any of the docks, piers, wharves, warehouses, sheds, buildings, tracks, cranes, weigh-beams, elevators, or other erections or works of the Company, such person shall, for every such offence, incur a forfeiture or penalty of not less than five dollars nor exceeding fifty dollars.

Penalty for obstructing or injuring the Company's works.

12. Before the said works shall be commenced or proceeded with, the Company shall cause to be made, by a competent engineer or engineers, instrumental surveys, examinations, cross sections and measurements of the various areas, localities and navigable sections required for the purposes of or affected by the said works together with plans and profiles thereof; and shall obtain from each engineer or engineers a minute report containing full and comprehensive data respecting the same, and shewing, more particularly, the effect such works or any division, part or section thereof, may have or produce in or upon the current or navigation of the River St. Lawrence or any of the tributaries thereof, and shall

Surveys &c., to be made before works are commenced

Approval of
Governor in
Council.

shall deposit the whole in the office of the Minister of Public Works for the information and approval of the Governor in Council ; and the Governor in Council may thereafter, if deemed advisable, cause other and additional surveys, examinations, cross sections, and measurements to be made respecting the same ; and none of the said works, nor any Division, part or section thereof, shall be commenced or proceeded with until the same shall have been approved of by the Governor in Council ; and the construction and execution of the said works shall be subject to such conditions and restrictions as the Governor in Council may, from time to time, impose or ordain ; and no additions, deviations or alterations shall be made to the said works, or to any division, part or section thereof, until the same shall, in like manner, have been approved of by the Governor in Council, and subject to the like conditions and restrictions.

Capital stock
and shares.
Increase
thereof.

13. The capital stock of the said Company shall be two millions of dollars, with power to increase the same, from time to time, to the amount of four millions of dollars, by a vote of not less than two thirds majority in value, of the shareholders present either in person or by proxy at a special meeting called for that purpose, and shall be divided into shares of one hundred dollars each,—which shares shall be held to be personal estate, and shall be assignable in such manner and form, and subject to such conditions as to lien or otherwise, as may, from time to time, be prescribed by the by-laws of the Company.

When works
may be com-
menced.

14. The construction of any or either of the said Divisions shall not be commenced until shares of the capital stock, to the extent of four hundred thousand dollars, shall have been subscribed, nor until the sum of forty thousand dollars shall have been paid thereon, and deposited by the Company in some chartered bank in Canada.

Board of Di-
rectors.

Provisional
Directors.

15. The business and affairs of the said Company shall be conducted and managed, and its powers exercised, by a Board of nine Directors, to be elected by the shareholders at the annual meeting of the Company; and until Directors shall, under the provisions of this Act, be elected by the shareholders, the Directors shall be Frederick B. Matthews, John Crawford, Alexander Somerville, John S. Hall, Charles J. Brydges, Robert James Reekie, Alexander Cross, Joseph Lanouette, Daniel Hadley, Duncan J. Macdonald and Frederick Gerriken, who, or any five of whom, shall have power to open books of subscription for stock at such places as they may appoint, and to give due notice thereof.

First meeting
for the elec-
tion of Di-
rectors.

16. So soon as the sum of two hundred thousand dollars of the said capital stock shall have been subscribed, and ten thousand dollars actually paid in thereupon, and deposited in some one of the chartered Banks in Montreal, it shall be lawful for the Provisional Directors to call a meeting for the purpose of proceeding to the election of Directors of the said Company ; and such action shall then and there be made by the holders of the ma

of shares voted upon at such meeting, and present thereat in person or by proxy; and the nine persons then and there chosen shall thereafter be the Directors, and shall be capable of serving until the election at or after the first annual meeting of the Company.

Term of office.

17. An annual meeting of the shareholders of the Company, for the transaction of the general business of the Company, and the election of Directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place, at the City of Montreal, and under such regulations with regard to notice, as may be determined by the by-laws of the Company; and the holding of such other meetings as may be found necessary or judged expedient, may also be provided for by such by-law.

Annual and other meetings of the Company.

18. Each share shall entitle the holder thereof to one vote at all meetings of the Company, either personally or by proxy—such proxy being a shareholder, and having a written authority: Provided always that no single shareholder shall be entitled to vote any greater number of shares than one-tenth of the subscribed capital of the Company, and all questions shall be determined by the majority of votes given in respect thereof.

One vote for each share.

Proviso.

Majority to decide.

19. The Company shall have a President and Vice President, who shall be elected by the Directors from among themselves; the Directors shall also appoint a Secretary, and may appoint such other officers, and may employ such Agents and Managers as they may, from time to time, judge expedient; and may require such officers and Secretary, Agents and Managers to give such security for the faithful performance of their duties as the Directors shall see fit to exact, and may pay and allow such Secretary and officers, Agents and Managers, such salaries as may be agreed upon.

President, Vice-President and officers.

20. The Directors may make such calls upon the respective shareholders, in respect to the shares subscribed or held by them respectively, as they may, from time to time, deem expedient, and may require the same to be paid with or without interest, and may impose penalties for failure of payment, not exceeding five per centum at any one time, on the amount of the call or calls made; and likewise, subject to such rules and conditions as may be imposed by by-law, may declare forfeited all such shares as may be in arrear in respect of any call or calls, interest or penalty; and such share shall, upon such declaration, be and become forfeited in favor of the Company, as well as the amounts paid thereon, and may thereupon be sold and disposed of in such manner as the Directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the shareholders in default; or the Directors may in their discretion, should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties, or either, as the case may be, and afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice

Calls on shares.

Forfeiture for non-payment.

Recovery by suit.

Works of the Company not to affect or interfere with the water works.

Company to be responsible.

supplied by the Montreal Waterworks, or which may, in any way interfere with the good working of the said waterworks, or obstruct in any way the tail race entering the River St. Lawrence; and the Company shall be responsible for any damages to be suffered by the City Corporation, by reason of any of the works made or constructed by the Company; and the Company shall not be authorized to construct any of their said works, within one thousand feet of the city aqueduct or tail race without the consent of the City Corporation.

Company to have no control over lands belonging to the Crown, &c.

25. Nothing in this Act shall give, or be construed to give the Company the power of taking possession of, or of interfering with, or of exercising any control whatever over any lands belonging to Her Majesty, or any works or water powers under the Dominion or of the Quebec Government, save as herein specially provided for.

Time for commencement and completion of works.

26. One of the said Divisions of said works must be commenced within five years, and the whole of the said works must be completed within ten years after the passing of this Act, failing which the powers hereby granted shall cease; nevertheless, if any one, or an effective part or parts of any one or more of said Divisions shall have been made so complete as to admit of its being practically useful, although only for water powers, all the powers given by this Act, in so far as applicable to that portion so completed, shall remain in force in regard to the same.

Works of the Company may be assumed by the Crown.

Terms.

27. Her Majesty, Her Heirs and Successors, may, at any time, assume possession of the property and works of the said Company, and the rights, privileges and advantages thereof (all which shall, after such assumption, be vested in Her Majesty, Her Heirs and successors), on giving to the Company one year's notice, and on paying to the Company the value of such property and works to be fixed by arbitrators,—one to be chosen by the Governor in Council, another by the Company, and in case of disagreement, a third arbitrator to be chosen by the said two arbitrators,—a majority of whom to decide in such case.

Preliminary expenses.

28. The expenses incurred in and about obtaining the present charter shall be a first charge and lien upon the subscribed stock of the said Company.

CHAP. 116.

An Act to incorporate the Labrador Company.

[Assented to 23rd May, 1873]

Preamble.

WHEREAS the persons hereinafter named have by their petition represented that they are desirous of procuring

Act of incorporation, with all requisite powers and privileges to enable them to carry on sealing, fishing and trading; to establish lines of steamers to and from different ports on the river and gulf of St. Lawrence and elsewhere; to establish communication, by marine cable and otherwise, with telegraph lines elsewhere; and for these purposes to acquire property, with all the rights and franchises thereunto pertaining; and it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Sir Hugh Allan, Knight, and Andrew Allan, Geo. A. Drummond, John J. Redpath, Alex. Dennistoun, Esquires, all of Montreal, and the Hon. Jos. O. Beaubien, of Montmagny, together with all such other persons and corporations as shall become shareholders in the Company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the “Labrador Company;” and by that name shall have the power to carry on the business hereinafter mentioned; and shall have perpetual succession, and a common seal which may by them be changed or varied at their pleasure; and the said Company shall be subject to the provisions of the “*Canada Joint Stock Companies’ Clauses Act*, 1869,” except in so far as the same may be inconsistent with the provisions of this Act.

Certain persons incorporated.
Corporate name and general powers.
32 33 V. c. 12, to apply.

2. The Company are hereby empowered to carry on sealing, fishing and trading between Canada, Europe and other places, and between ports in the Dominion of Canada, with all business and affairs incident thereto, including the construction, owning, maintaining, hiring, leasing, chartering, employing and navigating, selling and disposing of all kinds of vessels, boats, ships and other craft, with their appurtenances; and to carry on general trade and commerce between any ports in the Dominion of Canada, or between any port or ports therein and any foreign port or ports.

Business of the Company.

3. The Company may acquire by purchase, lease or otherwise, and may hold absolutely or conditionally, any lands, tenements, real or immovable estate, for the convenient conduct and management of their business, not exceeding at any one time in yearly value ten thousand dollars, and may sell, alienate, let, lease and dispose of the same from time to time, and may acquire others in their stead, not exceeding at any one time the value aforesaid.

Further powers; real estate.

4. The said Company shall have power to construct telegraph lines; also to lay a submarine cable from the north shore of the river and gulf of St. Lawrence to some point or points on the south shore of the river and gulf of St. Lawrence, and there to connect with the mainland telegraph system; and also, if found expedient, to construct a telegraph line from the said tracts of land to Quebec.

Further powers; telegraphs.

Chief place
of business.

5. The Company may have its chief place of business at such place in Canada as may be determined by by-law, with branch offices at any other place in Canada, Great Britain or the United States; and so soon as such chief place of business shall have been determined upon, notice of the same shall be published for at least four weeks in the *Canada Gazette*.

Capital and
shares.

6. The capital stock of the Company shall be one hundred thousand dollars, divided into one hundred shares of one thousand dollars each.

Provisional
Directors.

7. The said Sir Hugh Allan, Knight, and Andrew Allan, George A. Drummond, John J. Redpath, Alexander Dennistoun, Esquires, all of Montreal, and the Hon. Joseph O. Beaubien, of Montmagny, shall be and are hereby constituted a board of Provisional Directors, and shall hold office as such until other Directors shall have been appointed by the shareholders, under the provisions of this Act; the said Directors or a majority of them are hereby empowered to take all necessary steps for opening stock-books in the City of Montreal and elsewhere, for the subscription of parties desirous of becoming shareholders in the said Company.

Stock books.

First meeting
of share-
holders for
election of
Directors.

8. When and as soon as the said capital stock shall have been subscribed as aforesaid, and ten per centum of the amount thereof paid in, the Provisional Directors, or a majority of them, may call a meeting of the shareholders at such time and place as they shall think proper—giving at least two weeks' notice in the *Canada Gazette*, and in one or more newspapers published in the City of Montreal; at which general meeting, and at the annual general meetings of the Company thereafter, a Board of Directors shall be elected, the number of whom shall be regulated by the by-laws (of the provisional or other Directors) in force at the time of such election; but they shall not be authorised to commence operations under this Act until at least thirty-three and one third per centum of the present capital stock of the Company shall have been paid in.

Proviso.

Qualification
and mode of
electing Di-
rectors.

9. No person shall be elected or chosen as a Director, unless he be a shareholder, holding stock of the Company to the amount of at least three shares in his own absolute right, and not in arrears in respect to any call thereon; and the Directors shall be elected by a majority in value of shares, represented by shareholders or their proxies (who shall be shareholders), at a general meeting of the Company, assembled at such time and place as the by-laws may prescribe.

Elections to
annual.

10. In the absence of other express provisions in the by-laws of the Company, such election shall take place yearly. All the members of the board retiring shall be eligible for re-election, if duly qualified; and due notice of the time and place for holding such general meetings shall be given at least four weeks previously, by notice published in the "*Canada Gazette*."

11. At all such general meetings of the Company, every shareholder shall be entitled to one vote for each share held by him, on which all calls have been duly paid. Votes may be given by proxy; and the election of Directors shall be by ballot.

Who may
vote, and how.

12. The Directors shall, from time to time, elect from among themselves, a President of the Company and a Vice-President, a Treasurer, a Secretary and a Manager; and may also appoint and remove, from time to time, all such other officers as may be required for the transaction of the business of the Company; and if a vacancy should at any time occur in the Board of Directors, the same may be filled up by the Board for the remainder of the term, from amongst the qualified shareholders of the Company.

Election of
officers.

Vacancies in
the Board.

13. If at any time an election of Directors be not made at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose.

Provision in
case of failure
of election.

14. The Directors may make by-laws, and may, from time to time, alter or repeal the same or wholly substitute others therefor, for the government of the said Company, its affairs, business, managers, agents, officers and servants; which by-laws shall be in force until repealed by such Directors, or by a majority of votes of the shareholders present, in person or by proxy, at any special or general meeting of shareholders; and may, among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the special provisions of this Act, for the following objects and purposes; and the same shall be accessible at all reasonable hours to all parties interested, viz.:—

Powers of
Directors :
By-laws for
certain pur-
poses.

1. To fix and determine the number and remuneration (if any) of Directors; the manner of filling up vacancies that may occur prior to the annual election; how many Directors shall constitute a quorum, and generally the manner in which their powers shall be exercised, including the establishment of agencies in the Dominion and elsewhere;

Directors.

2. The manner of calling meetings, as well of the Directors as of the shareholders, and fixing the time for annual meetings;

Meetings.

3. The forfeiture of shares in arrear, in respect of a call or calls, and the condition and manner on and in which such forfeiture shall be declared;

Calls.

4. The keeping of registers and transfer-books for shares; prescribing the manner in which such transfers shall be made, and the conditions in respect to the previous payment of calls or unpaid balance of stock on which transfers shall be allowed; also the vouchers and evidence required to be lodged with the Company, in case of transmission of shares by marriage, bequest, inheritance, bankruptcy, or otherwise than by sale, and the forfeiture of shares for the non-payment of anything due thereon or in respect thereof;

Registers,
transfers, &

5. The keeping of minutes of the proceedings and the accounts

Minutes.
of

of the said Company, and rectifying any errors which may be therein; and auditing of accounts and appointment of auditors;

Dividends.

6. The declaration and payment of profits of the said Company and dividends in respect thereof.

Capital stock may be increased, and how.

15. The Directors may, if they see fit, from time to time after the whole capital stock of the Company shall have been subscribed and paid in, pass a by-law for increasing the capital stock of the Company to any amount not exceeding in the whole five hundred thousand dollars that they may consider necessary to carry out the objects of the said Company; but no such by-law shall have any force whatever until it shall have been sanctioned by a vote of not less than two-thirds in amount of all the shareholders, at an annual general meeting of the Company, or a special meeting called for the purpose of considering such by-law, nor until a copy thereof, duly authorized, shall have been filed, as hereinafter mentioned, with the Secretary of State of Canada.

Formalities respecting increase.

16. The Company may, within three months after a duly authenticated copy of such by-law has been filed with the Secretary of State of Canada, and after the said Secretary of State of Canada has caused a notice to be inserted in the *Canada Gazette*, that such by-law has been passed and filed, as aforesaid, publish a notice stating the number and amount of the shares of the new stock authorized, and the amount actually subscribed and paid in respect thereof; and from the date of such notice the capital stock of the Company shall be increased to that amount, and in the manner and subject to the conditions set forth in such by-law.

Company may borrow money, and in what way.

17. The Company may, from time to time, borrow money to an extent not exceeding in the whole the amount of its paid-up capital, at such rates of interest and upon such terms as they think proper; and may, for such purpose, make and issue bonds in sums of not less than one hundred dollars, under the common seal of the Company, and to order or to bearer, and with or without coupons for interest attached; and the same and the coupons may be made payable at such place or places as they think fit; and such bonds may be made to hold rank and priority over all other claims against the Company, saving only such claims as may be secured by mortgage or hypothec as hereinafter mentioned; and no lender shall be bound to enquire into the occasion of any such loan or into the validity of any by-law or resolution authorizing the same, or the purpose for which such loan is wanted: Provided that each issue of bonds shall state the rank and priority of such issue: or the Company may borrow the whole or any portion of the amount authorized on hypothec or mortgage of any real property belonging to them.

Proviso.

May be a party to notes &c. Proviso.

18. The Company may in the course of its general business become a party to promissory notes, bills of exchange and cheques; but no such promissory note or bill of exchange shall be for a ~~less~~

sum than one hundred dollars, or be payable to bearer, or be intended to be circulated as money or as the note of a bank.

19. Aliens shall have the same power as British subjects to take and hold stock or shares in the Company, and to vote either as principals or proxies: Provided always that the President, Vice-President and two-thirds in number of the Directors shall reside in Canada and be British subjects. Aliens may hold stock and vote. Proviso.

CHAP. 117.

An Act to incorporate the North Star Silver Mining Company.

[Assented to 23rd May, 1873.]

WHEREAS the persons hereinafter named have, by petition, Preamble.
represented that they are desirous of associating themselves together for the purpose of carrying on mining operations in the Territory of Utah, in the United States of America, and that they can do so to better advantage by the aid of a charter of incorporation, and have prayed for an act of incorporation to that end; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Alexander T. Machattie, John B. Taylor, Theophilus S. Wills, Thomas Aspden, Thomas J. Almy and James H. Frazer, together with such other persons as shall become shareholders in the Company hereby constituted, shall be and they are hereby constituted a body corporate and politic by the name of "The North Star Silver Mining Company." Certain persons incorporated:

Corporate name.

2. The Company may carry on the business, in the said Territory of Utah, of exploring for, mining, smelting, manufacturing and selling gold, silver, copper and other ores and metals; and for these purposes may acquire and hold by purchase, lease or other legal title, personal property, lands and mining claims or rights; and construct and maintain buildings, machinery, and other erections and improvements thereon or connected therewith,—with power to sell and convey any of such lands or other property. Business of the Company.

3. The head office of the Company shall be in the City of London, in the Province of Ontario; but the Directors may have offices and transact business wherever they may see fit. Head office.

4. The capital stock of the said Company shall be one million one hundred and fifty thousand dollars, in eleven thousand five hundred Capital stock and shares.

Increase of
capital stock.

hundred shares of one hundred dollars each; which said capital stock may, from time to time, be increased as the wants of the Company may require, by a two-thirds vote of the majority of the shareholders, at a meeting of the Company called for that purpose to an amount not exceeding three millions of dollars.

When to
commence
operations.

5. The Company shall not commence operations under this Act until at least ten per centum of the capital stock shall be actually paid in.

Preference
shares.

6. The Directors may set apart a part of the stock not exceeding one thousand five hundred shares as preference shares,—each preference share to be sold for the full par value thereof actually paid in cash; and the holders of such preference shares shall be repaid the amount thereof, with interest at ten per centum per annum, within two years from the first day of January, one thousand eight hundred and seventy-three, and upon such repayment they shall cease to be shareholders in respect of such preference shares.

Re-payment of
preference
shares, how
enforced.

7. To secure such repayment and interest to the said preference shareholders, the Company shall make the same a first charge on all property of the said Company, real and personal; and proceedings may be taken in any court of competent jurisdiction where the property is situated, or within whose jurisdiction the Company shall have any place of business, to make such security available, in case such repayment and payment of interest shall not be made within the said two years.

By whom
proceedings
may be taken.

8. Such proceedings may be taken by any preference shareholder on behalf of himself and any other preference shareholders, or otherwise, as the practice of such court may permit.

No dividend to
be declared
until prefer-
ence shares
are repaid.

9. Until the repayment of the said preference shares and interest as aforesaid, no dividends shall be paid on any other shares of the said Company, but all earnings applicable to the payment of dividends shall be applied in payment of the said preference shares and interest as aforesaid.

Assignment of
stock.

10. The stock of the Company shall be deemed personal estate, and shall be assignable in such manner only and subject to such conditions and restrictions as the by-laws may prescribe; but no share shall be assignable until all instalments called for thereon have been paid, unless it has been declared forfeited for non-payment.

Aliens may
vote and hold
office.

11. Aliens as well as British subjects, and whether resident in the Dominion of Canada or elsewhere may be shareholders in the said Company, and all such shareholders shall be entitled to vote on the shares equally with British subjects, and shall be also eligible to offices in the said Company as Directors or otherwise: Provided always that the President and a majority of the Directors shall be subjects of Her Majesty and residents of the Dominion of Canada.

Proviso.

12. At all meetings after the first annual meeting of the Company every shareholder not being in arrears in respect of any instalment called for and being the *bona fide* holder of stock and registered as such on the stock books of the Company, for at least three months before such meeting, shall be entitled to one vote for each share so held by him; and no shareholders being in arrears shall be entitled to vote; and all votes may be given in person or by proxy: Provided always that the proxy is held by a shareholder not in arrear and is in conformity with the by-laws.

Votes.

Proxy.

Proviso.

13. The affairs of the Company shall be administered by a Board of six Directors, being severally holders of at least fifty shares of stock, who shall be elected at each annual meeting of the Company to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected; and three members of such Board present in person shall be a quorum thereof; and in case of the death, resignation, removal, or disqualification of any Director, such Board, if they see fit, may fill the vacancy until the next annual meeting of the Company by appointing any qualified shareholder of the Company thereto; but a failure to elect Directors, or any failure of Directors shall not dissolve the corporation; and an election may be had at any general meeting of the corporation called for the purpose.

Board of Directors and qualification.

Provision in case of failure of election.

14. Alexander T. Machattie, John B. Taylor, Theophilus S. Wills, Thomas Aspden, Thomas J. Almy and James H. Fraser are hereby constituted the first Board of Directors of the said Company, to hold office until the first election as hereinafter provided for. The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the Company may by law make; to adopt a common seal; to make, from time to time, any and all by-laws (not contrary to law or to the votes of the Company), regulating the allotment of shares, the calling in of instalments of shares and payment therefor; the issue and registration of certificates of shares; the forfeiting of shares for non-payment of calls; the disposal of forfeited shares, and the proceeds thereof; the transfer of shares; the declaration and payment of dividends; the appointment of, functions, duties and removal of all agents, officers and servants of the Company; the security to be given by them to the Company; their remuneration, and that, if any, of the Directors; the time and place for holding annual and other meetings of the Company; the calling of meetings of the Company and of the Board of Directors; the requirements as to proxies; the procedure in all things at such meetings; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the Company; but every such by-law, and every repeal, amendment and re-enactment thereof, shall have force only until the next annual meeting of the Company, unless confirmed at some general meeting of the Company; and every copy of any by-law under the seal of the Company

First Board of Directors.

Powers of Directors.

By-laws certain purposes.

Proviso: by-laws to be confirmed.

Proof.

and

and purporting to be signed by any officer of the Company, shall be received in all courts of law as *prima facie* evidence of such by-law.

Appointment
of Agents.

Powers of
Agents.

15. The Directors of the said Company may act as Directors in Canada or elsewhere, and shall and may appoint one or more Agents in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient; and the Directors may by any by-law to be made for such purpose, empower and authorize any such Agent or Agents to do and perform any act or thing or to exercise any powers which the Directors themselves, or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such Agent, by virtue of the power in him vested by such by-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves,—anything in this Act to the contrary notwithstanding.

Company not
responsible for
execution of
trusts.

16. The Company shall not be bound to see to the execution of any trust whether expressed or implied or constructive, in respect of any shares; and the receipt of the person in whose name the same shall stand in the books of the Company, shall be a discharge to the Company for any dividend or money payable in respect of such share, whether or not notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Directors may
borrow money
and issue
debentures.

Proviso.

Proviso.

17. The Directors of the said Company after the sanction of three-fourths in number, representing a majority in value of the stock, of the shareholders shall have been first obtained at a special general meeting to be called from time to time for that purpose, shall have power to borrow from time to time for the purposes of the Company hereby incorporated, either in the Dominion of Canada or elsewhere, such sums of money as may be necessary for carrying out the objects of the said incorporation, and at such rates of interest as they may deem proper; and to issue bonds, debentures or other securities for the sum so borrowed, and to make the same payable either in currency or sterling, and at such place or places within the Dominion of Canada or elsewhere as may be deemed advisable; and to sell the same at such prices as may be deemed expedient, and to hypothecate, mortgage or pledge the lands, revenues and other property of the Company, for the due payment of the said sums, and the interest thereon; but no such debenture shall be for a less sum than one hundred dollars; and such bonds, debentures and securities shall be made and signed by the President and Vice-President of the said Company, and under the seal of the said Company: Provided the said Company shall not be authorized to borrow a sum exceeding one hundred thousand dollars.

Limitation of
time for
commencing
work.

18. Unless mining operations be commenced under this Act within two years from the passing thereof, this Act of incorporation

tion shall be null and void, saving only to the said Company the right to part with any real estate or personal property which they may hold or possess and to make such conveyances as may be necessary for that purpose.

19. The Directors of the said Company may purchase mines or other property necessary for the business of the Company, and issue stock in payment therefor, and the stock so issued shall be declared and taken to be paid up stock, and shall be entered in the book mentioned in section twenty-three of "*The Canada Joint Stock Companies Olaus Act, 1869*," as paid in full; but this section shall not be taken to authorize the issue of stock beyond the amount authorized by the fourth section of this Act. Company may purchase mines, &c.

20. The provisions of "*The Canada Joint Stock Companies Olaus Act, 1869*," shall, except in so far as they are inconsistent with the provisions hereof, apply to the Company hereby incorporated. 32 33 V. c. 12. to apply.

CHAP. 118.

An Act to incorporate the Marezzo Marble Company of Canada.

[Assented to 23rd May, 1873.]

WHEREAS George Davey, William S. Symonds, Atwood W. Doane and William Myers Gray have, by their petition, represented that they are desirous of organizing a Company for the purpose of manufacturing, selling and trading in Davey's patent Marezzo Marble in the Dominion of Canada; and have prayed that they may be incorporated for that purpose; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. George Davey, William S. Symonds, Atwood W. Doane and William Myers Gray, with all such other persons as shall become shareholders in the Company hereby incorporated, shall be and they are hereby constituted a body corporate and politic by the name of "The Marezzo Marble Company of Canada;" and the words "The Company," when used in this Act, shall mean "The Marezzo Marble Company of Canada," hereby incorporated. Incorporation. Corporate name.

2. The capital stock of the Company shall be thirty thousand dollars, which shall be divided into three hundred shares of one hundred dollars each, and may be raised by the parties herein named, and such other persons as may become shareholders in the Company; and such capital may be increased from time to time by the shareholders under the by-laws of the Company as the Capital stock and shares. Increase.

Proviso.

work of the Company may render necessary : Provided always that no such increase shall take place until the stock previously subscribed for shall have been paid up in full.

Business of the Company.

3. The Company shall have power to manufacture, sell and otherwise trade in Davey's Patent Marezzo Marble, and to enter into contracts to finish, ornament decorate, or otherwise embellish any buildings, halls, churches or other edifices with any person or persons, body or bodies corporate, and to furnish all necessary materials, labor or fixtures requisite for any such work, and to deal in and vend any such material connected therewith : the head office of the Company shall be in the City of Halifax, in the Province of Nova Scotia, with branch offices and manufactories at such other places in the Dominion of Canada as may be expedient for the Company to carry on its works and business.

Head office and branches.

Stock to be personal estate.

Liability of shareholders limited.

Proviso.

4. The stock in the Company shall be deemed personal estate, and shall be transferable as such, subject to such conditions and restrictions as shall be prescribed by the by-laws of the Company ; and no shareholder shall be liable in his person or separate estate for the liabilities of the Company, to a greater amount in the whole than the amount of stock held by him, deducting therefrom the amount actually paid to the Company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the Company : but no shareholder who may transfer his interest in the stock of the Company shall cease to be liable for any contract of the Company entered into before the date of such transfer, provided any action in respect of such liability be brought within six months after such transfer.

Provisional Directors ; stock books, &c.

5. The said George Davey, William S. Symonds, Atwood W Doane and William Myers Gray shall be the Provisional Directors of the Company (three of whom shall form a quorum), and shall hold office as such until other Directors shall be appointed under the provisions of this Act, by the shareholders : and it shall be their duty to open stock books, and procure subscriptions of stock or shares ; to call a general meeting of shareholders for the election of other Directors as herein provided ; and generally to do all such other acts as shall be necessary for the complete organization of the Company.

First meeting of shareholders.

Election of Directors.

6. So soon as the capital stock of the Company shall have been subscribed, and fifty per cent. paid thereon and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors or a majority of them shall call a meeting of the shareholders at such time and place in the City of Halifax as they may think proper, giving at least two weeks' notice in two newspapers published in the said city, at which meeting and at the annual general meetings to be provided for under the by-laws of the Company, the shareholders present, either in person or by proxy, shall elect by ballot such number of Directors as shall then be decided by the shareholders.

7. The Company are hereby authorized to deliver to the said Patent right
 patentee, shares in the said Company either fully or in part paid ^{may be paid}
 up in exchange for his said patent right, and any such shares so ^{for in share s.}
 disposed of, shall be taken and considered as paid up to such extent as the certificates thereof shall express, as though the same had been paid up in cash according to the terms and requirements of this Act.

8. The Company shall have power to make by-laws not inconsistent with law or with the provisions of this Act, providing for ^{Power to make}
 the execution of all deeds, instruments and contracts, including ^{by-laws for}
 the making and endorsing of promissory notes and bills of exchange ^{certain}
 for sums of, or exceeding one hundred dollars, not payable to ^{purposes.}
 bearer and not adapted or intended to be circulated as money or as the notes or bills of a bank, which they are hereby authorized to make, sign, and endorse in the ordinary course of their business ; for the appointment and dismissal of officers, and the regulation of their duties and functions ; fixing the number and qualification of their Directors, the day of annual meeting, and the mode of calling and holding general and special meetings of the shareholders ; the mode of voting at such meetings ; the making of calls and the declaration of dividends, the making of contracts, the increase of capital stock, and all other matters respecting the internal economy, administration and management of the said Company ; provided always that shareholders shall have one vote for each share held by them.

9. The Company shall have power to buy, sell, mortgage and ^{Real estate.}
 hold real estate to the value of ten thousand dollars.

10. The provisions of "*The Canada Joint Stock Companies' General Act*
Clauses Act, 1869," shall apply to this Act except in so far as they ^{32 33 V. c. 12}
 may be inconsistent with the provisions thereof. ^{to apply.}

CHAP. 119.

An Act to incorporate "The Warrior Mower Company of Canada."

[Assented to 23rd May, 1873.]

WHEREAS James Irwin, of the Town of Prescott, in the County ^{Preamble}
 of Grenville and Province of Ontario, Esquire ; William
 Henry Brouse, of the same place, physician ; John Philip Wiser,
 of the same place, manufacturer ; Robert Pritchard LaBatt, of the
 same place, manufacturer ; Nesfield Ward, of the same place,
 manufacturer ; Alexander Wells, of the same place, exchange broker ;
 Samuel Ross, of the Township of Edwardsburgh, in the said County
 of Grenville, carriage maker ; Frank Bramer, of Little Falls, in the
 State

State of New York, one of the United States of America, mach and Lewis Henry Crandell, of Easton, in the said State of York, general agent,—have, by their petition, represented they, and others associated and doing business with them, the name and style of “The Warrior Mower Company of Can are desirous of engaging in the manufacturing, buying and s generally, of all descriptions of machinery, mowers and agricu implements, in every Province of the Dominion of Canada that they can do so to better advantage by the aid of a char incorporation, and have prayed for the passing of an Act to end; and whereas it is expedient to grant such prayer: The Her Majesty, by and with the advice and consent of the S and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The said James Irwin, William Henry Brouse, John Wisser, Robert Pritchard LaBatt, Nesfield Ward, Alexander Samuel Ross, Frank Bramer and Lewis Henry Crandell, and other persons now associated and doing business with them, the name and style aforesaid, and such other persons as may come shareholders in the Company, to be by this Act created be, and they are hereby created, constituted and declared to corporation, body politic and corporate, by the name of “Warrior Mower Company of Canada,” and the head office of said Company shall be at the town of Prescott, in the County of Grenville and Province of Ontario.

Corporate name and chief office.**General powers of the Company.**

2. The Company, by its name aforesaid, may sue and be sued and shall have a perpetual succession and a common seal, power to break and alter such seal, and with all the rights conferred on corporations by the “*Interpretation Act*.”

Business of the Company.

3. The Company shall have power to carry on, in each and every Province of the Dominion of Canada, the business of manufacturing, buying and selling all descriptions and kinds of machinery, mowers and agricultural implements, and to do all things necessary or convenient thereto; and shall have power to purchase, lease, hold, acquire, transfer and convey, in each Province, all real and personal estate necessary for carrying on the operations of the said Company: Provided also that the Company shall not so acquire or hold in any one Province any lands or tenements or interests therein, exceeding in the value at any one time, the annual value of five thousand dollars otherwise than for the actual use, occupation and purposes of the Company, except as in the next succeeding section provided.

Real estate.**Proviso: real estate limited.****Other real property of the Company.**

4. The Company may acquire and hold any other real estate in any such Province, which shall fairly come to said Company in the course of its said business, or in payment of any debt due or accruing due to the said Company in the course of such business; and may purchase and temporarily hold, until the same can be conveniently disposed of, any such lands or real property which, having been mortgaged or pledged to the said Company for securing debts actually incurred in the course of its said business, may, by reason

such pledge or mortgage, become the property of said Company, or shall have been, by the said Company, purchased at any sale thereof, in execution of any order or judgment of a competent Court; and the said Company may let, sell, exchange and dispose of any property, real or personal, lawfully purchased or otherwise acquired as aforesaid, in such manner as to the said Company may seem expedient.

5. The capital stock of the Company shall be thirty-five thousand dollars, of lawful money of Canada, and shall be divided into shares of one hundred dollars each, of which forty per centum shall have to be paid up before commencing business; and the said capital stock may be increased from time to time, by resolution of the Board of Directors, by and with the consent of a majority in value of the shareholders; but such capital stock shall, at no time, be made to exceed eighty thousand dollars.

Capital stock and shares. Increase.

6. The affairs of the Company shall be under the control, and shall be managed and conducted by a Board to consist of nine Directors, five of whom shall form a quorum;—and the said James Irwin, William Henry Brouse, John Philip Wiser, Robert Pritchard LaBatt, Nesfield Ward, Alexander Wells, Samuel Ross, Frank Bramer and Lewis Henry Crandell shall be the first Provisional Directors of the said Company, and shall severally hold their offices until the first election of Directors, under this Act, in the manner hereinafter provided.

Directors. Provisional Directors.]

7. The said Provisional Directors shall, during the time of their being such Directors, have all the powers conferred upon the Directors to be elected under this Act; and shall also have power and authority to open stock books and to procure subscriptions for the undertaking, and to make calls upon the subscribers and to issue stock thereon or scrip therefor.

Powers of Provisional Directors.

8. The regular Directors to be elected under this Act shall each be a stockholder of the Company, to an amount not less than one thousand dollars, and shall be elected at the annual general meeting of the shareholders of the said Company, —which said annual meeting shall be held at the head office of said Company in the said town of Prescott, at twelve of the clock, noon, on the third Wednesday of the month of January in each year after the passing of this Act; and notice thereof shall be mailed to each shareholder in said Company, at least one month before the holding of such meeting; and all such elections shall be by ballot—by plurality of votes of stockholders present or represented by proxy,—such proxies being shareholders; but subject always to the provisions of the next succeeding section of this Act.

Qualification and election of Directors.

9. So long as ten thousand dollars of the stock of the Company are held or owned by British subjects, at least seven of the Directors to be elected annually shall be British subjects, and *bond fide* resident and domiciled within the United Counties of Leeds and Grenville, in the Province of Ontario, if there be so many shareholders.

Special provision as to the election and qualification of Directors.

holders so resident and domiciled properly qualified otherwise, and if not, then there shall be elected so many British subjects, resident and domiciled as aforesaid, as may be otherwise qualified, and the remainder of the Directors shall be such other shareholders, properly qualified, as may receive the plurality of the votes of the stockholders present in person or by proxy; but when, and so soon as stock to the amount of ten thousand dollars shall cease to be held or owned as firstly in this section mentioned, then and thereafter the election of Directors shall be held and proceeded with as if this section had never formed part of this Act.

Shareholders
to be members
of the Com-
pany.

Votes.

Proviso.

10. Every subscriber to or holder of any of the stock of the Company, shall thereby become a member of the Company and shall have the same rights and privileges as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; and at all meetings of the Company, every shareholder present in person or by proxy, not being in arrears in respect of any instalment or payment called for, shall be entitled to so many votes as he holds shares in the stock of the Company: Provided such shares shall have been held, in his name, at least one month prior to the time of voting.

All persons
may be share-
holders.

Liability of
shareholders
limited.

Proviso.

11. Subject to the provisions of this Act, aliens shall have equal rights with British subjects to take stock and to vote and to be eligible to office in said Company; and no shareholder shall be liable or responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with said Company beyond the amount, if any, remaining unpaid on his shares in the stock thereof: Provided however that the shareholders of the Company shall be severally, individually liable, *pro rata* to the amount of stock held by them respectively, for all debts that may be due and owing to all or any of the servants of said Company, for services performed as such servants.

Election and
appointment
of officers.

Vacancies,
how filled.

Votes at meet-
ings.

12. The Directors herein named, as well as those hereafter to be elected, shall appoint one of their number to act as President, and another to act as Vice-President of the said Company, and may appoint such other officers and agents as they may deem necessary, and may remove all officers appointed by them, and appoint others in their stead, and may fill all vacancies in the offices; the elected Directors shall continue in office one year, or until others shall be chosen to fill their places; and if any vacancy shall at any time occur in the office of President, Vice-President or Director, by death or resignation, the remaining Directors shall fill up such vacancy for the remainder of the year; all questions shall be decided by a majority of the votes of the Directors present or represented by proxy, and the President shall have a vote, as Director, at all meetings of the Directors, and in case of a tie, shall have the casting vote likewise.

Provision in
case of failure
to elect Direc-
tors.

13. If the election of Directors be not made on the day appointed by this Act, the Company shall not, for that reason, be dissolved.

but the stockholders may hold the election on any day in the manner provided for by any by-law previously passed, either by the Directors or stockholders for that purpose; and the Directors in office shall continue in office, and exercise all the powers of Directors until their successors shall be elected.

14. The Directors of the Company, for the time being, may open or cause to be opened stock books, for the subscription of parties desiring to become shareholders in the capital stock of the Company, in such places as they shall think fit, and may make such shares payable in such manner as they shall deem advisable; and may make the dividends thereon payable at such place, or places, as to them shall, from time to time, seem fit; and may, from time to time, appoint agents of the Company, in or out of Canada, and may delegate to such agents such powers as to them shall, from time to time, seem fit; and may make such rules and regulations as they shall, from time to time, deem advisable as to the issuing of shares, and as to the mode, time, place or places of the transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial for giving full effect to the powers hereby vested in them in respect of issuing such shares.

Stock books
may be opened.

Dividends.

Agents.

Rules and reg-
ulations.

15. The capital stock shall be paid for by the subscribers therefor, when, where and as the Directors of the Company shall require, or as the by-laws may provide, and if not paid at the day required, interest, at the rate of six per centum per annum, shall be payable after the said day, upon the amount due and unpaid; and in case any instalment or instalments shall not be paid as required by the Director with the interest thereon, within sixty days from the day required, the Directors may, by a resolution reciting the facts, summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the Company and may be disposed of as the Directors may deem fit and expedient; but no call shall exceed twenty per centum, and no instalment shall become due and be payable; until after thirty days' notice shall be given by publication in some newspaper printed and published in the said town of Prescott or by notice mailed to the address of each shareholder; and if any stockholder shall, after such notice, refuse or neglect to pay any instalment due upon the share or shares held by him, such share or shares shall or may, in the option of the Directors, become forfeited and disposed of as aforesaid, or the party holding such share or shares may be sued for the amount due thereon, with interest as aforesaid from the time the same became due until payment: Provided always that the amount of subscription already paid by each of the persons hereby incorporated in and towards their shares, respectively, of the partnership capital of the business now being carried on under the name and style aforesaid, shall be taken and considered as a payment on and on account of such of the shares of the stock of the Company hereby incorporated, as they may respectively subscribe for.

Payment of
calls.

Forfeiture of
shares for non-
payment.

Calls limited.

Collection of
calls.

Proviso: exist-
ing subscrip-
tions paid to
be reckoned.

16. A register shall be kept at the head office of the Company, indicating

Register of
stockholders.

indicating clearly the name of every stockholder and the amount of stock for which he is responsible, and the amount paid in by such stockholder, as well as all transfers that may have been allowed and made in such stock, and also such other matters as are required by section twenty-three of the "*Canada Joint Stock Companies Clauses Act, 1869.*"

Certificates to shareholders.

17. Upon any stock being subscribed for, and twenty per centum being paid thereon, a certificate shall be issued to the subscribers, exhibiting the amount subscribed for and the amount paid on it, and the stockholder may, at any time, with the consent in writing of any majority of the Directors, be allowed to pay up, in full, his share or shares in the Company.

Transfer of stock.

18. All and every the shares in the capital stock of the Company, and all profits and advantages thereof and therefrom, shall be deemed to be personal estate, and transferable and transmissible as such, but no share shall be transferable until all previous calls thereon have been fully paid and satisfied, or the said share shall have been declared forfeited for non-payment of the calls thereon: Provided always that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in the register; and provided also that whenever any shareholder shall transfer, in manner aforesaid, all his stock or shares in said Company, such shareholder shall, thereupon, cease to be a member of the Company.

Proviso.

Proviso.

Regulations and by-laws.

19. The Directors may, from time to time, make, alter, annul or repeal such regulations and by-laws as may be necessary for the management of the Company, and the affairs and business generally of the undertaking.

Company may become parties to promissory notes.

20. The President and Directors of the Company shall have power and authority to make, accept, draw and endorse, in the corporate name of the Company, bills of exchange and promissory notes for the ordinary purposes of the business of the Company; and may sell and dispose of any articles used or acquired in carrying on the business of said Company, and no longer required in that behalf; and they may become parties to promissory notes and bills of exchange received from or granted by parties doing business with the Company, without its being necessary that the corporate seal of said Company should be thereunto affixed,—and no officer of the Company signing the same or affixing said corporate seal, in accordance with the by-laws of said Company, shall thereby incur any personal liability; and the Company shall have power to do all things requisite to the lawful carrying on of the business thereof: Provided always that nothing in this section shall be construed to authorize the Company to issue notes or bills of exchange payable to bearer, and intended to be circulated as money, or as the notes or bills of a bank, or to engage in the business of banking or insurance.

Proviso.

Evidence in

21. Any copy of any by-law, or by-laws of the Company

porting to be signed and certified as a true copy thereof, by the President or one of the Directors of the Company, and under the seal of the Company shall be *prima facie* evidence of such by-law or by-laws; and in any action to recover any call on the stock of the Company, it shall be sufficient to allege and prove that the call was made in the manner provided by this Act and the by-laws of the Company in that behalf, that the defendant is the owner of one or more shares, on which the call was made, and that the amount sued for is due to the Company accordingly,—and it shall not be necessary to allege or prove any other matter or thing whatsoever.

suits for recovery of calls.

22. Any description of action may be prosecuted and maintained between the Company and any person or corporation whatever, and whether a shareholder or otherwise.

Actions between Company and shareholders.

23. The words "shareholder" or "shareholders," shall include the heirs, executors, administrators, curators, legatees or assigns of each shareholder or stockholder, or any other party holding the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is, by this Act, given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such fair and liberal construction as will best ensure the carrying into effect of this Act, according to its true intent and spirit: and the Company shall not be bound to see to the execution of any trust, whether express or implied, or constructive, in respect to any share or shares; and the receipt of the person, in whose name the same shall stand on the books of the Company shall be a discharge to the Company for any dividend or money payable in respect of such share or shares, whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipts.

Interpretation clause.

Company not bound to see to trusts.

24. The Act known as "*The Canada Joint Stock Companies Clauses Act, 1869*," and the provisions thereof, shall be applicable to, and be incorporated in this Act, so far as the same may not be inconsistent with this Act.

General Act, 32, 33 V., c. 12, to apply.

25. All reasonable and preliminary expenditure incurred in obtaining this Act, and in the formation or establishing of the said corporation shall be paid from the funds of the Company.

Payment of preliminary expenses.

26. This Act shall be known and cited as "*The Warrior Mower Company of Canada Act*."

Short title.

CHAP. 120.

An Act to incorporate the Canada Paper Company.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS the persons hereinafter named have petitioned for an Act of incorporation for the purpose of enabling them to manufacture and deal in paper, stationery and printers' supplies ; and it is expedient to grant their prayer : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Company incorporated.

1. William Angus, Andrew Allan, Dugald John Bannatyne, Donald A. Smith, Thomas Logan, Robert Muir, John Macfarlane, the Hon. John Hamilton, Thomas W. Ritchie and such other persons as now are or hereafter may become shareholders in the undertaking, are hereby constituted a body corporate and politic, in law and in fact, by the name of the "Canada Paper Company."

Corporate name.

Capital stock and shares.

Increase.

2. The capital stock of the Company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each, and may be increased from time to time to any amount not exceeding in the whole one million dollars, as a majority of the shareholders, at a meeting to be specially called for that purpose, shall agree upon.

Business of the Company

3. The Company shall have power to make, buy and sell, paper, stationery and printers' supplies ; and for these purposes may erect, build, purchase, lease, establish and carry on manufactories and other establishments at any place or places in Canada ; and shall have power generally to do and perform all other necessary matters and things connected with and necessary to promote those objects.

Provisional Directors.

Their powers.

4. The said William Angus, Andrew Allan, Dugald John Bannatyne, Donald A. Smith, Thomas Logan, Robert Muir, and John Macfarlane shall be Provisional Directors of the Company until replaced by others duly elected in their stead ; and it shall be their duty to open stock books and procure subscriptions for the undertaking, to allot stock to the subscribers thereof, to call a general meeting of shareholders for the election of Directors as herein provided,—and generally to do all such other acts as shall be necessary for the organization of the Company.

First meeting of shareholders.

5. So soon as the capital stock of the Company shall have been subscribed and ten per cent. paid thereon, and deposited in some chartered bank of Canada to the credit of the Company, the Provisional Directors or a majority of them, shall call a meeting of the shareholders at such time and place in the City of Montreal as they may think proper,—giving at least two weeks' notice in one English and one French newspaper in the said City ; at which

general

general meeting the shareholders present in person or by proxy (the holder of any such proxy being a shareholder) shall elect by ballot five of their number to be Directors; and from and after the completion of such election, the powers and functions of the Provisional Directors shall cease and determine.

Election of
Directors.

6. An annual meeting of the shareholders of the Company shall be held in the City of Montreal for the transaction of general business, and the election of Directors,—the time and place of meeting and the number of Directors to be regulated by by-law.

Annual
general
meeting.

7. The principal office of the Company shall be in the City of Montreal in the Province of Quebec, but the Company may establish agencies or branch offices in any part of Canada.

Chief place
of business.

Agencies.

8. The transmission of the interest in any share of the capital stock in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner as the Directors shall, from time to time, require or by any by-law may direct; and in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share or shares transmitted is the sole property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and dispose of and transfer the share itself without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Company; and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same, shall not cause the declaration to be deemed either illegal or informal,—any law or usage to the contrary notwithstanding.

As to trans-
mission of
shares other-
wise than by
transfer.

9. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Company to make and file in the Superior Court at Montreal a declaration and petition in writing addressed to the said Court or to a Judge thereof, setting forth the facts, and praying for an order or judgment adjudicating or awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom: Provided always that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions

As to claims
upon stock.

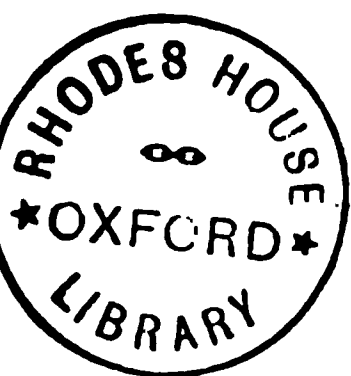
Proviso.

Proviso.

interventions in cases pending before the said Superior Court: Provided also that unless the said Court or Judge otherwise order, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

General Act,
32, 33 V., c. 12,
to apply.

10. "*The Canada Joint Stock Companies Clauses Act, 1869*," shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act.



CHAP. 121,

An Act to incorporate the Coldbrook Rolling Mills Company of the Dominion of Canada.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS James Donville, Edward G. Scovil, Geo. McKean, Geo. E. R. Burpee, Wm. Henry Thorne, Jeremiah Harrison, James Scovil, Esquires, all of St. John, in the Province of New Brunswick, and others, have by their petition prayed for an Act of incorporation under the name of the "Coldbrook Rolling Mills Company of the Dominion of Canada," for the purposes of manufacturing bolts, screws, nails, axes, rails and railroad iron, boiler plates, rivets, tools, implements and machinery; of rolling iron, and manufacturing, erecting, selling, and leasing locomotive engines and machinery, rolling stock, stations, storehouses, elevators, workshops and other buildings and erections used and required by railway companies, and for the powers necessary to carry out the undertaking; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The said James Donville, Edward G. Scovil, Geo. McKean, Geo. E. R. Burpee, Wm. Henry Thorne, Jeremiah Harrison, James Scovil and such other persons as shall become shareholders in the Company hereby incorporated shall be, and they are hereby constituted a body politic and corporate, by the name of the "Coldbrook Rolling Mills Company of the Dominion of Canada," and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure, and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Corporate
name and
general
powers.

2. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and may be increased by an amount not exceeding another million dollars, in the manner hereinafter provided: Provided that stock to the amount of not less than two hundred and fifty thousand dollars shall be subscribed, and not less than twenty-five thousand dollars paid in, before the Company shall go into operation.

Capital, share, and increase.

Proviso.

3. The Company shall, for the purpose of their business, have power from time to time to purchase, hire and lease real estate, water and mill rights and privileges in any part of Canada, and as often as any property so acquired ceases to be necessary for the purposes of the Company they shall sell or otherwise dispose thereof; the Company may also, from time to time and as their business may require, purchase, lease or build any offices, mills, factories, workshops, machinery or other works and appliances, in any part of Canada which the Company may think proper for their purposes or for the exercise of the powers by this Act conferred; and the same or any part of them, when the Company find it expedient, may be sold or otherwise disposed of.

Power to acquire real estate.

4. The Company shall also have the right to enter into arrangements with any railway company or person for the construction of any station or stations, warehouses, workshops, elevators or other buildings or erections required by any such railway company or person for the purposes of their or his business; and the Company, incorporated by this Act shall, for their outlay and services, have the right to take security by way of mortgage or hypothec upon the lands and tenements upon which the said works may be erected or said machinery placed or either, and on the said works and machinery; which security may be for the payment of a fixed annual sum, payable in such payments, and at such times, and for such period, and in such manner as may be agreed upon, and for the redemption or discharge of the said property at the times and in the manner in the said mortgage or hypothec mentioned; by the payment of the sum or sums of money in and by such mortgage or hypothec agreed on for that purpose: or the Company may arrange for and take a transfer or conveyance to them of the lands upon which any of the said works may be agreed to be erected, and may lease the said lands so transferred or conveyed with the said works thereon to the railway company or person for whom the said works may be made or constructed, at such rental as may have been agreed upon; and such lease may contain such conditions and stipulations as the parties thereto may agree upon, to secure the due payment of the said rental, and may also provide for the right, to the railway company or person taking said lease, to a conveyance or re-conveyance, as the case may be, of the property so leased, upon the payment of such sum or sums of money at such times and in such manner and on such conditions as the said parties may agree upon, and as they may consider most to their convenience.

To make arrangements with Railway Companies for works.

Security for payment.

By mortgage or hypothec.

Engines, &c.,
pledged to the
Company not
liable to claims
of other
parties.

Purchase
money due to
Company to
be a first
charge.

Proviso.

Mortgages to
Company on
buildings con-
structed by it,
to be a first
charge.

Proviso : ex-
ception as to
bailleur de
fonds, &c.

Proviso.

Proviso.

5. Engines, machinery, rolling stock or other movable property, either sold or leased by the Company incorporated by this Act, shall not be subject to any mortgage or execution, or to any lien or liability whatsoever upon any mortgage or lien given or created before or after such sale or lease by the company or person making such purchase or making such lease or any other company or person whomsoever; nor shall the same be liable to any seizure or distress against any such railway company or person for any cause or in any manner whatever,—in case of a purchase, while the purchase money or any part thereof or any interest thereon remains unpaid, unless the seizing creditor shall pay or tender such purchase money or interest to the Company previous to such seizure (a statement of which indebtedness shall be furnished to such creditor by the Company on demand), and, in case of a lease, while such property so leased remains under the said lease and continues to be the property of the Company incorporated by this Act: and the purchase money for all such property sold to any railway company, shall be and continue a first charge upon the property so sold; and it shall remain liable to such lien in the hands of any person or corporation who may obtain possession thereof until said purchase money and all unpaid interest thereon is fully paid and satisfied: Provided always that all machinery and rolling stock so sold or leased, while the purchase money remains unpaid, or the same is under lease as the case may be, shall have painted upon each car or engine, as the case may be, the words “Coldbrook Rolling Mills Company of the Dominion of Canada.”

6. Except as hereinafter provided any mortgage or hypothec given by any railway company or person upon any lands, tenements or premises, upon which any station, warehouse, workshop or other erection or work has been built or erected by the Company incorporated under this Act, or for them, as the case may be, and the moneys secured by such mortgage or hypothec, shall be a first charge and lien upon the lands upon which such buildings and works shall stand, for the moneys payable under the said mortgage or hypothec as therein specified; and shall have priority over all other claims upon the said premises; and in any case where the security may be taken by conveyance of the lands upon which such improvements are made, and a lease is given as is above provided, the rent secured by the said lease and the moneys payable to the Company incorporated by this Act for a conveyance of the property, as redemption or purchase money, shall likewise be a first charge or lien upon the said premises and property so leased, and shall rank and take priority over all other liens: Provided always that no such mortgage, hypothec or lien shall have priority over any existing *bailleur de fonds*, balance of purchase money or moneys specially secured on such lands before the creation of the charge or lien authorized by this Act in favour of the said Company; and provided further, that nothing in this Act shall be held to confer any priority inconsistent with the operation of the Registry or other laws of any of the Provinces in the Dominion, as regards real estate in such Province affected by any mortgage or hypothec to be given under this Act; and

vided further, in case of any general mortgage or lien upon the lands of any such railway company existing before the creation of the mortgage, hypothec or lien authorized by this Act, the said general mortgage, hypothec or lien shall, to the extent of the actual value of the land occupied by any such buildings or erections (taken as it was before the construction of such buildings, works or erections), have priority over the mortgage, hypothec or lien, above authorized, in favour of the Company incorporated by this Act ; and in case it becomes necessary to ascertain the said value, and that the said value or the mode of ascertaining the same cannot be agreed upon between the Company hereby incorporated and the mortgagee,—in every such case the proceedings to fix the said value shall be the same as is provided in sub-section twelve and the subsequent sub-sections of section nine of "*The Railway Act, 1868.*" And after the said value is ascertained, sub-section six and the other sub-sections of the said section nine of "*The Railway Act, 1868,*" shall apply, and the Company may avail themselves thereof for the purpose of being relieved from further responsibility in respect of the said value : and where arbitration is resorted to, and there is no person in Canada representing the said general mortgagee, the railway company shall be the parties upon whom the notice of arbitration may be served, and with whom the arbitration shall be had ; and in respect of such arbitration the railway company shall act, and be considered as the trustee.

Valuation in certain cases.

Certain sections of Railway Act, 1868, to apply.

7. It shall be lawful for the Company, in case it is so agreed upon, to pay the purchase money for, or to pay off any mortgage or mortgages which may be upon any land required for any such works ; and the Company may, on taking any such security from the railway company, add the same to the amount so to be secured and in respect of which interest or a rental shall be paid as aforesaid.

Company may pay off any former mortgage and add the same to theirs.

8. The Company may enter into arrangements with any person or corporation in the Dominion of Canada engaged in any of the lines of business above mentioned, and not being a railway company, for the purchase from such person or corporation of any or all the estate real or personal of such person or corporation, together with all tools, plant and material connected with the works so purchased, possessed by such person or corporation, or any part thereof, for such price, payable in such manner and at such times as may, by the Company and such person or corporation, be agreed upon, and, in respect of said purchase, may give upon the same, security by way of mortgage or otherwise as may be deemed most expedient ; and in case any person or persons, corporation or corporations so selling, for any part of the purchase money of any such property are willing to accept as part payment paid-up stock in the Company incorporated by this Act, the Directors of said Company, may, if they deem it proper to do so, issue to said person or corporation out of the unsubscribed stock of the Company, shares to the amount so agreed to be taken in such part payment ; or in case the said one million dollars of stock are all subscribed for, and the Company authorize an increase of the capital stock, then such shares may be issued as part of such increase ; and in either

Company may purchase plant &c., from parties in a like business.

And give security : or issue shares in payment.

Rights of
holders of such
shares.

either case the holders of such paid-up shares shall have all the rights of shareholders in the said Company, and shall be entitled to dividend thereon in the same manner as if they had subscribed for and paid up their stock in full.

Such parties
may sell plant
&c. to the
Company.

9. It shall be lawful for any company or corporation (not being a railway company) so engaged in any of the lines of business above mentioned, to sell to the Company incorporated by this Act, in the manner above mentioned, and for any and all railway companies desiring to lease or purchase locomotive engines, rolling stock or machinery of any kind from the Company, or desiring to make arrangements for the erection of stations, warehouses, workshops, elevators or any of them, to enter into and complete any of the arrangements which the Company incorporated by this Act are authorized to enter into and make; and all such arrangements so made and the acts done thereunder shall be valid and binding on all parties or persons in the manner and to the extent above expressed.

Money paid
to Company
to be "work-
ing expenses"
of Railway.

10. All moneys payable by any railway company, now or hereafter to be incorporated, under any contract authorized by this Act, shall form part of the working expenses of such railway company, and shall be paid before any interest or other debt not by law coming under the denomination of working expenses.

Directors may
make such
contracts.

11. In managing the business of the Company, and in making any of the contracts above provided for, the Directors of the Company shall possess and exercise all the corporate powers of the Company.

Board of
Directors.

Provisional
Directors.

12. The affairs of the Company shall be managed by a Board of seven Directors. The said James Domville, Edward Geo. Scovil, Geo. McKean, Geo. E. R. Burpee, Wm. Henry Thorne, Jeremiah Harrison and James Scovil, Esquires, shall be Directors of the said Company until replaced by others duly elected in their stead.

Qualification
of Directors.

13. No person shall be elected or named as a Director unless he is a shareholder, owning at least ten shares of stock absolutely in his own right, and not in arrear in respect of any call thereon: and the major part of the Directors of the Company shall, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. A minority may be aliens.

As to aliens.

Annual
election of
Directors.

14. The Directors of the Company shall be elected by the shareholders, in general meeting of the Company assembled at such times, in such wise, and for such term, not exceeding one year, as the by-laws of the Company may prescribe.

Provision in
default of
by-laws.

15. In default only of other express provisions in such behalf by the by-laws of the Company,—

Election.

1. Such election shall take place yearly,—all the members

board retiring, and (if otherwise qualified) being eligible for re-election :

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published in the City of Saint John, New Brunswick :

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy, provided the proxy named be himself a shareholder of the Company having a right to vote at such meeting :

4. Elections of Directors shall be by ballot :

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, among the qualified shareholders of the Company :

6. The Directors shall, from time to time, elect from among themselves, a President and Vice-President of the Company ; and shall also name and may remove at pleasure all other officers thereof.

16. If, at any time, an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take effect at any general meeting of the Company duly called for that purpose ; and the Directors shall continue in office until their successors are elected.

17. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into ; and may, from time to time, make by-laws not contrary to law, nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock ; the declaration and payment of dividends ; their term of service, the amount of their stock qualification ; the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors ; the time at which and place where the annual meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings ; the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law ; and the conduct in all other particulars of the affairs of the Company ; and may from time to time repeal, amend or re-enact the same : Provided always, that one-fourth part in value of the shareholders of the Company shall at all times have the right to call a special meeting thereof, for

the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Proof of by-laws.

18. A copy of any by-law of the Company, under their seal, and purporting to be signed by any officer of the Company, shall be received as *prima facie* evidence of such by-law in all courts of law and equity in the Dominion.

Shares, how transferable.

19. The stock of the Company shall be deemed personal estate and shall be transferable in such manner only and subject to all such conditions and restrictions as by this Act, or by the by-laws of the Company, shall be prescribed.

Calls.

To bear interest if unpaid.

20. The Directors of the Company may call in and demand from the shareholders thereof, respectively, all sums of money, by them subscribed, at such times and places, and in such payments or instalments, as they may require; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

Recovery of calls by suit.

Allegations and proof in such case.

21. The payment of all calls and interest thereon may be enforced by action in any competent court: and in such action it shall not be necessary to set forth the special matter; but it shall be sufficient to declare that the defendant is a holder of one share or more (stating the number of shares) and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more (stating the number of calls and the amount of each) whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect.

Or the shares may be forfeited.

22. If, after such demand or notice, any calls made upon any share or shares be not paid within such time as, by such by-laws relating to the making of calls, may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by by-law or otherwise they shall ordain.

Calls must be paid before transfer.

23. No share shall be transferable until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

And before voting.

24. No shareholder being in arrear in respect to any call shall be entitled to vote at any meeting of the Company.

Provision for

25. In the event of an increase of the capital stock of the
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Company being deemed advisable, it shall be lawful for the shareholders, in general meeting, duly called for the purpose, by a vote of a majority of the shareholders present at such meeting in person or by proxy, to pass a by-law increasing the capital stock to any amount not exceeding two million dollars; and thereupon all the provisions of this Act applicable or referring to the capital stock shall apply to such increased capital.

increase of
stock.

26. The Company shall not be bound to see to the execution of any trust, whether expressed or implied or constructive, in respect of any share or in respect of any property, real or personal, purchased or acquired by the Company, and the receipt of the person in whose name any share shall stand (or where a share stands in the name of more than one person, then the receipt of one of them,) for any dividend or money payable by the Company in respect of such share,—whether or not notice of such trust shall have been given to the Company,—shall be a complete discharge to the Company for any such dividend or money; and in like manner as to the purchase money or consideration money to be paid by the Company to any person or persons or corporation, for any property, real or personal, the receipt of the person or persons or corporation, in whom the legal estate or right of property is vested and in whose name it appears, shall be a complete discharge to the Company in respect of the purchase money of such property.

Company not
bound to see
to trusts on
shares.

The same as to
money pay-
able to a cor-
poration, &c.

27. The transmission of the interest in any share of the capital stock, in consequence of the marriage, death, bankruptcy or insolvency of a shareholder, or by any other lawful means than an ordinary transfer, shall be authenticated and made in such form, by such proof, with such formalities, and generally in such other manner, as the Directors shall, from time to time, require or by any by-law may direct; and, in case the transmission of any share of the capital stock of the Company shall be by virtue of the marriage of a female shareholder, it shall be competent to include therein a declaration to the effect that the share or shares transmitted is the sole property and under the sole control of the wife, that she may receive and grant receipts for the dividends and profits accruing in respect thereof, and may dispose of and transfer the share itself without requiring the consent or authority of her husband; and such declaration shall be binding upon the Company and the parties making the same, until the said parties shall see fit to resolve it by a written notice to that effect to the Company; and the omission of a statement in any such declaration that the wife making the same is duly authorized by her husband to make the same shall not cause the declaration to be deemed either illegal or informal,—any law or usage to the contrary notwithstanding.

Authentica-
tion of trans-
mission of
shares other-
wise than by
ordinary
transfer.

As to authori-
zation of wife.

28. If the Directors of the Company shall entertain doubts as to the legality of any claim to and upon such share or shares of stock, it shall be lawful for the Company to make and file in the Supreme Court for the Province of New Brunswick a petition in writing addressed to the said Court, or to any Judge thereof, setting forth the facts, and praying for an order or judgment adjudicating

Provision if
the Directors
entertain
doubts as to
owner of any
shares.

Proviso.

Proviso.

What shall be
valid contracts
of the Com-
pany.

Proviso.

Liability of
holders of
shares not
paid up.

Liability of
shareholders
limited.

As to persons
holding shares
as representing
others.

or awarding the said shares to the party or parties legally entitled to the same; and by which order or judgment the Company shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares, or arising therefrom: Provided always that notice of such petition shall be given to the party claiming such shares, who shall, upon the filing of such petition, establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Court: Provided also, that unless the Court or Judge otherwise orders, the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong; and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

29. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed, on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company be thereby subjected individually to any liability whatsoever to any third party therefor: Provided always that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

30. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and no greater sum than the amount due on such execution shall be recoverable with costs against such shareholders.

31. The shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

32. No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee shall be personally

subject to liability as a shareholder; but the estates and funds in the hands of such persons shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund would be if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a shareholder accordingly.

Or as security

33. Every such executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a shareholder.

Votes on stock

34. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company then existing and for all thereafter contracted during their continuance in office respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Liability of Directors paying dividends out of capital.

Proviso.

35. The principal office of the Company shall be in the city of Saint John, in the Province of New Brunswick, but the Company's works and business may be carried on at such other place or places in the Dominion of Canada as the Directors may, from time to time, determine.

Chief seat of business. Works.

36. The Company may have an office in London, England, for such purposes as the Directors shall determine; and the bonds, coupons or dividends of the Company may be made payable at any place in London aforesaid, and in sterling or currency.

Office in England.

37. The Directors may, from time to time, with the consent of a majority of the shareholders present or represented in a special general meeting called for that purpose, borrow money on behalf of the Company; and the Directors may, for that purpose, make or cause to be made, bonds or other instruments under the common seal of the Company, for sums of not less than one hundred dollars, which may be payable at any place, and either to order or to bearer, and may have interest coupons attached;

Power to borrow money: and how.

Proviso :
amount limi-
ted.

tached : Provided that the aggregate of the sum or sums so borrowed shall not at any time exceed two thirds of the amount of the paid-up capital of the Company, for the time being, and no lender shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Service of
process on
Company.

38. Service of all manner of summons or writ whatever, upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company in the said City of Saint John, with any grown person in charge thereof; or, if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company.

Actions be-
tween Com-
pany and
shareholders.

39. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof; and no shareholder shall be incompetent as a witness therein.

As to shares
not subscribed
for in the first
instance.

40. In case the whole capital stock of the Company is not subscribed when the Provisional Directors close the books for the purpose of organizing the Company as above provided, the Directors may, at any time and from time to time as they may deem proper, open the said stock books for new subscriptions until the whole capital stock is subscribed; but in each instance all the provisions of this Act, as to the percentage to be paid on subscription of stock, the liability of the person subscribing upon and in respect of the said stock, and as to the rights and liabilities of shareholders, shall apply to the persons making such new subscriptions and to the stock or shares so subscribed.

Interpretation
clause.

41. The following words and expressions, used in this Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :—

Company.

The expression "the Company" shall mean the Company incorporated by this Act :

Undertaking.

The expression "the undertaking" shall mean the whole of the works and business of whatever kind, which the Company is authorized to undertake and carry on :

Real estate.

The expression "real estate" or "land" shall include all real estate, messuages, lands, tenements and hereditaments, of any tenure :

Shareholder.

The word "shareholder" shall mean every subscriber to or holder of stock in the Company, and shall extend to and include the personal representatives of the shareholder :

By-laws.

The words "by-laws of the Company." or "by-law of the Company," shall mean and include all by-laws made by the Directors as well as all passed by the shareholders.

CHAP. 122.

An Act to incorporate the Canadian Metal Company.

[Assented to 23rd May, 1873]

WHEREAS Charles H. Letourneau, J. T. Letourneau, Vital Grenier, Hilaire Béliveau, Guillaume Boivin, Charles Nelson, Onézime Deblois, Jacques Grenier, Alph. Grenier, Charles Thibault, H. T. Lecours, Ans. Desjardins, Jean P. Marion, Pierre Contant, A. Dubord and J. B. Vinet, all of the City of Montreal in the Province of Quebec, have prayed that they may be constituted a corporation by the name of "The Canadian Metal Company,"—"*La Compagnie Canadienne des métaux*," and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The persons hereinbefore mentioned, and all others who now are or may hereafter become shareholders of the said Company, shall be and they are hereby constituted a corporation and body politic and corporate, by the name of "The Canadian Metal Company"—"*La Compagnie Canadienne des métaux*," and either of such names shall be deemed to be the corporate name of the Company hereby incorporated, and shall be a sufficient designation thereof for all purposes whatsoever.

2. The Company may open and establish houses in any part of the Dominion of Canada, for the importation, exportation and sale generally of metals, ores and all other articles generally connected with the same.

3. The capital stock of the Company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each: Provided always that the said capital stock may be increased to three hundred thousand dollars in one or several issues of new stock,—but each such issue of new stock shall not be of a less amount than twenty-five thousand dollars; and in any case such increase shall be authorized by a vote of the proprietors of two-thirds of the shares of the said Company, at a meeting specially called for the purpose.

4. The Company shall not commence its operations until one-half of its capital stock, that is to say, one hundred thousand dollars, shall have been subscribed, and fifty thousand dollars, shall have been paid up: Provided that if at any time, by reason of any losses or otherwise, the capital and available assets of the Company over and above all its liabilities should be reduced below the said sum of fifty thousand dollars, the Directors shall forthwith make calls upon the shareholders to such amount as will make up the said capital and available assets of the Company

Preamble.

Incorporation.

Corporate name.

Business of the Company.

Capital stock.

Increase thereof.

When the Company may commence operations.

Proviso: in case of loss of capital.

over and above all its liabilities, to the said sum of fifty thousand dollars.

Board of Directors.

5. The affairs of the Company shall be managed and administered by a Board of seven Directors, five of whom shall form a quorum; the Directors shall be elected annually from among the shareholders, and shall elect from among themselves a President and a Vice-President.

First Board of Directors.

6. The said Charles H. Letourneux, Hilaire Béliveau, J. T. Letourneux, Charles Nelson, Vital Grenier, and Onézime Deblois, shall be the first Directors of the Company, and shall remain in office until duly replaced by others appointed at the first general meeting of the shareholders of the Company, which it shall be their duty to call within two months next after the establishment of the Company in accordance with section four of this Act; and as such Directors they shall have full power to demand, collect and receive instalments on shares of the Company, to lease and establish any place of business required for the business of the Company; and generally to do all other matters and things connected with the business and operations of the said Company; and until the election of their successors the said Charles H. Letourneux shall be the President, and the said Hilaire Béliveau the Vice-President of the Company. The first Directors hereinbefore named, as well as all others subsequently elected shall be eligible for re-election, provided they are possessed of the necessary qualification hereinafter set forth.

Powers of Directors.

First President and Vice President.

Qualification of Directors.

7. No person shall be subsequently elected a Director unless he is a shareholder of the Company, possessed of at least twenty shares in his own absolute right, and has paid up all arrears of calls due and payable in respect of his shares; a majority of the Directors shall, at all times, be residents of the City of Montreal.

Interest on unpaid calls.

8. The Company may exact interest, at the rate of seven per cent. per annum, upon all arrears due in respect of calls on shares and the same shall be reckoned from the date fixed for the payment of such calls.

Transfer of shares : calls must be first paid.

9. No share shall be transferred, sold or alienated in any manner whatsoever unless all instalments called for in respect thereof shall have been paid up in full, or unless such share shall have been forfeited for non-payment of dues, and also so long as the holder thereof is indebted to the Company in any way whatsoever.

Management of affairs.

Officers and servants.

10. The management of the affairs of the Company may be divided among several departments, which shall be designated according to the special nature of the business assigned to each of them, or otherwise, as may be deemed advisable; and the Company may employ superintendents, clerks, managers, agents and servants at pleasure, and may agree as to their remuneration by percentage or otherwise according as the Directors may decide; and such persons so employed shall not therefore be personally liable

sible for any debts due by the Company, or be in any way held to be partners in the Company.

11. The provisions of "*The Canada Joint Stock Companies 32, 33 V., c. 12, to apply.* *Clauses Act, 1869,*" shall apply to the Company hereby incorporated in so far as they are not inconsistent with the provisions of this Act, and excepting specially sections thirty-two and thirty-nine of the said "*Canada Joint Stock Companies Clauses Act, 1869,*" which shall not apply to the Company hereby incorporated.

12. The Company shall keep in a book or books, a register of the members of the Company, and therein shall be fairly and distinctly entered from time to time the following particulars,—the names and addresses and the occupations of all of the members of the Company, and the number of shares held by each member, and the amount paid on the shares of each member; and such book or books shall be open to the public at all reasonable times. Company to keep a register of share-holders.

13. The said Company shall have power to unite and amalgamate with the Canada Steel Company, incorporated by Letters Patent in the Province of Quebec, for the purpose of manufacturing steel under a special patent granted for the Dominion of Canada, or any other Company established for the purpose of manufacturing and working metals and ores generally; but such amalgamation shall not take place unless approved by a vote of two-thirds in value of the shareholders of the Company at a meeting specially called for the purpose. Company may amalgamate with certain other companies of a like nature.

CHAP. 123.

An Act to incorporate "*Date's Patent Steel Company, Limited.*"

[Assented to 23rd May, 1873.]

WHEREAS Casimir Stanislaus Gzowski, Josiah Burr Plumb, William H. Howland, Henry H. Date, John McNab, Henry Paffard, Frederick H. Date and Charles Worden, have by their petition represented that they are the proprietors of certain patents granted by the Dominion of Canada and other countries for a new and useful invention and discovery for the manufacture of steel; and that they are desirous of manufacturing steel in accordance with the said patents, and carrying on business connected therewith in the several Provinces of Canada, and they are desirous of obtaining an Act of incorporation, conferring upon them all necessary power for the same, and praying for such incorporation; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the Preamble.
advice

advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Certain persons incorporated.

1. The said Casimir Stanislaus Gzowski, Josiah Burr Plumb, William H. Howland, Henry H. Date, John McNab, Henry Paffard, Frederick H. Date, Charles Worden and such other persons as shall become shareholders in the Company hereby incorporated, shall be, and they are hereby constituted a body politic and corporate by the name of "Date's Patent Steel Company, Limited;" and by that name shall have perpetual succession and a common seal, with power to break and alter the same at pleasure; and by that name may sue and be sued, plead and be impleaded in all courts whatsoever.

Corporate name and general powers.

Capital stock and shares. Increase.

2. The capital stock of the Company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each; and the same may be increased by an amount not exceeding seven hundred thousand dollars in the manner hereinafter provided; but stock to the amount of not less than fifty thousand dollars shall be subscribed, and not less than ten per cent. thereof paid in before the Company shall go into operation.

Stock books may be opened.

3. The Directors of the Company shall have power and authority at any time after the passing of this Act, to open stock books, and to procure subscriptions thereto; and they may call in and demand from the shareholders thereof, respectively all sums of money by them subscribed at such times and places, and in such payments or instalments as they require or determine; and interest shall accrue and fall due at the rate of six per centum per annum upon the amount of any unpaid call from the day appointed for such call.

Calls.

Proviso: if all the stock is not subscribed.

4. In case the whole capital stock of the Company is not subscribed when the Directors close the books for the purpose of organizing the Company, the Directors may, at any time, and from time to time, as they deem proper, open the said stock books for new subscriptions until the whole capital stock is subscribed; but in each instance all the provisions of this Act, as to the percentage to be paid on subscription of stock, the liability of the person subscribing upon and in respect of the said stock, and as to the rights and liabilities of shareholders shall apply to the persons making such new subscriptions and to the stock or shares so subscribed.

Company may acquire certain patents.

5. The Company may become the assignees of a patent bearing date the twenty-third day of December, in the year one thousand eight hundred and seventy-one, granted to Henry Harrington Date, of the town of St. Catharines, in the county of Lincoln in the Province of Ontario, tool manufacturer, and Frederick Havill Date, of the same place, machinist, for a new and useful art or process of converting iron into steel, to be called or known as Date's Steel-Converting Process, and of all rights therein granted, and of any other patents heretofore or hereafter

to be granted for the converting of iron into steel or for the manufacture of iron or of steel or of any other process in connection with the manufacture of iron or steel, or of the conversion of iron into steel, or of the products thereof, and whether such patents have been or may be granted by or from Canada or any other country or countries; and may work and manufacture the same according to the several specifications thereof; and may sell and dispose of and assign any such patents, or any part thereof, or any interest therein, or the use of the same under royalties or upon such other terms as from time to time they see fit; and they may also buy or acquire and manufacture or work iron, steel or other metals, minerals or ores, and machinery, iron or steel work, tools or railway or other appliances of any nature or kind whatsoever, and sell and dispose of the same.

Further powers of the Company.

6. The principal office and place of business of the Company shall be at the town of Niagara in the Province of Ontario, unless and until otherwise at any time or times provided by by-law of the Company; and the business and operations of the Company may be carried on in any part or parts of the Dominion of Canada, as the Directors may, from time to time, determine; and for the purposes aforesaid the Company shall have power from time to time to lease or to purchase and to hold any real estate in any part of Canada, not exceeding the annual value of twenty-five thousand dollars; and so often as any property so purchased and acquired ceases to be necessary for the purposes of the Company, they shall, when the Company find it expedient, sell or dispose thereof; and the Company may also, from time to time and as their business may require, purchase, lease or build any workshops, machinery or other works and appliances in any part of Canada which the Company may think necessary and proper for their purposes or for the exercise of the powers by this Act conferred; and the same or any part of them, when the Company find it expedient, shall be disposed of.

Chief place of business.

Power to hold real estate.

7. The Directors shall have power to contract for or purchase and acquire upon such terms and conditions as they think fit the patent of invention hereinbefore mentioned as heretofore issued, and all rights and privileges thereto belonging and in any such contract for purchase or any purchase thereof, may agree to pay or may pay therefor in paid-up stock or in bonds of the Company; and shall have the like powers in reference to any other patents of invention heretofore or hereafter to be granted, and acquired or to be acquired by the Company as hereinbefore provided, and any other matters or things which are hereinbefore authorized to be purchased or acquired by the Company; and any such contract for purchase or acquisition and the terms thereof shall be binding upon the Company.

Patents may be paid for in stock or bonds.

8. In managing the business of the Company, and in making any contracts for any of the purposes of the Company the Directors of the Company shall possess and exercise all the powers of the Company.

Powers of Directors.

Directors.

9. The affairs of the Company shall be managed by a Board of not less than three nor more than nine Directors, who shall be shareholders in the said Company.

First Board of Directors.

10. The said Casimir Stanislaus Gzowski, Josiah Burr Plumb, and William H. Howland, together with such other persons as they may associate with themselves, shall be the Directors of the Company until replaced by others duly appointed in their stead.

Subsequent Directors.

11. The subsequent Directors of the Company shall be elected by the shareholders in general meeting of the Company assembled at such times, in such wise and for such term not exceeding one year, as the by-laws of the Company may from time to time prescribe.

Increase of capital stock.

12. In the event of an increase in the capital stock of the Company being deemed advisable it shall be lawful for the shareholders, in general meeting duly called for the purpose, by the vote of a majority of the shareholders present at such meeting, in person or by proxy, to pass a by-law increasing the capital stock by an amount not exceeding seven hundred thousand dollars in addition to the capital of fifty thousand dollars hereinbefore provided; and thereupon all the provisions of this Act, and of the "*Canada Joint Stock Companies Clauses Act, 1869*," not herein excepted from incorporation with this Act, shall apply to such increased capital.

Provisions of this Act and of 32-33 V., c. 12 to apply to such increase.

Company may borrow money; to what amount, in what manner, and on what security.

13. The Company may, from time to time, borrow money to an extent not exceeding in the whole the sum of two hundred thousand dollars at such rates of interest and upon such terms as they think proper; and may, for such purpose, make and issue bonds in sums of not less than one hundred dollars, under the common seal of the Company, and to order or to bearer, and with or without coupons for interest attached; and the same and the coupons may be made payable at such place or places as they think fit, and such bonds shall without registration or filing of the same be and be taken as an hypothec, mortgage and pledge (according to the rank and priority which may be therein mentioned) upon the real and personal property, patent rights, privileges and revenues of the Company then existing and thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of bonds of the same issue, rank and priority, upon all and every the property of the Company hereinbefore mentioned; and no lender shall be bound to inquire into the occasion of any such loan or into the validity of any by-law or resolution authorizing the same, or the purpose for which such loan is wanted: Provided that each issue of bonds shall state the rank and priority of such issue.

Proviso.

Voting by bondholders.

14. The Company may give to the holders of such bonds a right to vote as if the same were stock, and such right to vote may or may not be expressed on the face of such bonds.

15. "*The Canada Joint Stock Companies Clauses Act, 1869*," 32, 33 V., c. 12
is hereby incorporated with this Act except the eighteenth section to apply.
of the same, which is hereby excepted from incorporation herewith.

CHAP. 124.

An Act to incorporate the Citizen Printing and Publishing Company (Limited).

[Assented to 23rd May, 1878.]

WHEREAS the undermentioned persons have, by their petition, represented that they have opened in the City of Ottawa a printing and publishing establishment in which the business of *The Citizen* newspaper, and other general printing and publishing business is conducted, and of which and of the copyrights, interests, property and assets connected therewith the following persons and others are the proprietors, namely:—Charles H. Carriere, George C. Holland and Andrew Holland, and that it is intended by the said persons to establish branch offices for the said newspaper and business in the several Provinces of the Dominion; and whereas it is represented that the said persons have invested a large amount of capital in the said business, and are desirous of associating others with them in the ownership of the said newspaper and printing and publishing business, and of carrying on the said business in the several Provinces of the Dominion; and whereas, for securing greater efficiency and permanency in carrying on the same, they are further desirous of obtaining an Act of incorporation; and it is expedient that the prayer of their petition to that effect be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Charles H. Carriere, George C. Holland and Andrew Holland, together with all such other persons as now are or may hereafter become shareholders in the Company hereby created, shall be and they are hereby constituted a body politic and corporate by the name of the "*Citizen Printing and Publishing Company (limited)*," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity; and by that name they and their successors shall have perpetual succession, and may have a common seal, and may change and alter the same at pleasure; may establish agencies for the sale of the said newspaper in the several Provinces of the Dominion; may acquire for themselves and their successors, under any legal title whatsoever, property real and personal; may alienate, sell, convey, lease or otherwise dispose of the same or any part thereof, from time to time as occasion may require, for such price

Preamble.

Certain persons incorporated.

Corporate name and general powers.

Agencies.

Property.

price or prices and on such terms and conditions as they may see fit: Provided always, that the real estate held by the said corporation at any one time shall not exceed in annual value the sum of five thousand dollars.

Business of the corporation.

2. The said Company is hereby constituted for the purpose of carrying on the publication of the said *Citizen* newspaper, and generally for carrying on the business of printing, publishing, stereotyping, engraving, wood-cutting, lithographing and book-binding, and to deal in and vend all articles of merchandise connected therewith; the head office of the Company shall be in Ottawa, with establishments or branch offices in the capitals of the several Provinces, and in any other cities, towns or places of the Dominion in which the Company may see fit to carry on business.

Capital stock and shares.

3. The capital stock of the said Company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each; and the said stock shall be deemed personal estate, and shall be transferable in such manner only, and subject to such conditions and restrictions as by the by-laws of the Company shall be prescribed.

Provisional Directors.

4. To enable the corporation to carry out the objects before mentioned, the said Andrew Holland, George C. Holland and Charles H. Carriere are hereby constituted Provisional Directors of the Company, who shall have power and authority to manage the affairs of the Company until Directors under the provisions of this Act shall be elected in their place; and the said Provisional Directors shall have power to open stock books, receive subscriptions of stock or shares, and generally to do all matters and things necessary for the full organization and working of the Company.

Powers.

First meeting of shareholders for election of Directors.

5. So soon as one thousand shares of the capital stock shall have been subscribed, the Provisional Directors shall call a general meeting of the shareholders in the City of Ottawa, of which meeting not less than ten days' notice shall have been given by public advertisement in the *Citizen* newspaper, for the purpose of passing by-laws for the management of the affairs of the Company, the election of Directors, who shall be three in number, the appointment of officers, and generally for the exercise of the powers conferred on the shareholders by this Act and by the "*Canada Joint Stock Companies Clauses Act, 1869.*"

Powers of Provisional Directors to cease.

6. So soon as Directors shall have been appointed under the next preceding section, the powers and functions of the Provisional Directors shall cease and determine.

Financial statement at yearly meeting.

7. At each annual meeting it shall be the duty of the shareholders present to estimate and establish by resolution the then actual value of the shares of the stock of the Company,—such estimate to be based on the financial result of the operations of the Company, as exhibited by the statement of its affairs then

before them; and in case at any time during the then next ensuing year any shares in the stock of the Company are offered for sale, and the sale thereof has not been entered on the books of the Company, or have become transmitted by bequest, inheritance, the marriage of a female shareholder, or in any other way whatsoever, then the said Company shall during the two months next after such sale, offer for sale or transmission has been notified to the Company, have the privilege of acquiring such shares so to be sold or so transfitted as aforesaid, upon payment or tender of the price of such shares calculated at the value thereof as established at the then last annual meeting,—the Company having the first preference of purchase, and then the shareholders, and in such order and on such conditions as regards the respective shareholders as may be fixed by the by-laws of the Company.

Privilege of
Company to
purchase
shares offered
for sale.

8. The shareholders shall not as such be held responsible for any act, default or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof: Provided always, that among the officers of the Company there shall be a Printer and Publisher who shall be held responsible in any criminal proceeding for libellous matter published in the said *Citizen* newspaper, and the said Printer and Publisher shall, in like manner, be held responsible in any criminal proceeding for libellous matter printed and published in any book, pamphlet, or other printed matter issuing from the establishment of the said Citizen Printing and Publishing Company, and in every issue of the said newspaper shall be contained the full name and residence of the party holding such office as Printer and Publisher.

Liability of
shareholders
limited.

Proviso:
liability of
printer and
publisher.

9. Every executor, administrator, tutor, curator, guardian or trustee shall represent the stock in his hands at all meetings of the Company and may vote accordingly as a shareholder, and shall be eligible as a Director; and every person who pledges his stock by any instrument disclosing the conditional nature of the transfer may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder.

Executors, &c.
may vote on
shares held by
them as such.

10. The charter of the Company shall be forfeited by non-user during three consecutive years at any one time, or if the Company do not go into actual operation within three years after it is granted.

Forfeiture of
Act for non-
user.

11. The corporate rights hereby conferred shall at all times hereafter be subject to the provisions of any general enactment hereafter to be passed respecting incorporated Companies, and except as altered herein, to the provisions contained in the "*Canada Joint Stock Companies Clauses Act, 1869*," so far as they are applicable.

Act subject to
any general
Act.

32-33 V., c.12.

CHAP. 125.

An Act to enable James K. Ward and others, to place booms in the channel between Isle St. Ignace and Isle-du-Pads, in the Parish of Isle-du-Pads, in the District of Richelieu.

[Assented to 23rd May, 1873.]

Preamble.

WHEREAS James K. Ward, Charles Little, William Little, Carlos Darius Meigs, Charles McCaffrey and Michel Mathieu have, by their petition to Parliament, represented that they propose to erect a saw-mill and other manufactories on Isle St. Ignace in the Parish of Isle-du-Pads, in the District of Richelieu, in the Province of Quebec, and that the effect of such an undertaking would be to develop the resources of the Dominion, and to promote its interests; and that, for that purpose, they are desirous of obtaining the right of constructing booms in the channel between Isle St. Ignace and Isle-du-Pads in the said District of Richelieu: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons may construct booms.

1. The said James K. Ward, Charles Little, William Little, Carlos Darius Meigs, Charles McCaffrey and Michel Mathieu, their heirs and assigns, shall have the right, and it shall be lawful for them to construct a boom or booms across the channel situated between Isle-du-Pads and Isle St. Ignace, in the Parish of *La Visitation de l'Isle-du-Pads*, in the District of Richelieu, for obtaining the logs brought by them into the said channel; and they shall be held to be seized of the said booms and to have a valid interest therein, in such way that they may institute and continue any action or actions against any person or persons removing, destroying or injuring the same in any manner whatsoever: Provided always that it shall not be lawful for the persons hereinbefore mentioned to construct any boom in the channel in this Act mentioned, in the said channel, or upon the beach or in the bed of the said channel, or upon lands covered by the waters thereof, unless and until the proposed plan and site of such works shall have been first submitted to the Governor in Council, and shall have been approved by him; and no deviation shall be made from the plan and site approved by him without his consent.

Proviso: for approval of Governor in Council.

Rights may be assigned.

2. The rights conferred by this Act may be ceded and conveyed by the said James K. Ward, Charles Little, William Little, Carlos D. Meigs, Charles McCaffrey and Michel Mathieu, to any firm or company, which may be formed hereafter, and may be composed of the persons hereinbefore mentioned, or any of them and of other persons, and every conveyance or transfer made by a majority

the persons hereinbefore mentioned, shall be in law binding upon all of them.

3. The said James K. Ward, Charles Little, William Little, Carlos Darius Meigs, Charles McCaffery and Michel Mathieu, their heirs and assigns, shall commence the erection of the proposed saw mills, manufactories and booms, within one year from the passing of this Act, and shall prosecute their said works so that they shall be completed within three years from the date of the passing of this Act, the whole under pain of loss and deprivation of all the rights conferred upon them by this Act. Time for completion of the work limited.

4. The said James K. Ward, Charles Little, William Little, Carlos Darius Meigs, Charles McCaffery and Michel Mathieu, and their heirs and assigns shall, at all times during the season of navigation or during such time as any such boom or booms is or are extended across the said channel, be bound and obliged to open the same so as to give a free and sufficient passage to vessels or lumber, or other effects coming down or going up the said channel, when required to do so by the owners or persons in charge of such vessels, lumber or other effects, so that such owners or persons shall not and may not meet with any unreasonable detention in their passage through the said channel. Booms to be opened for passage of vessels.

CHAP. 126.

An Act for the Relief of John Robert Martin.

[Reserved for the signification of Her Majesty's pleasure thereon on the 23rd day of May, 1873; Royal Assent given by Her Majesty in Council on the 17th day of July, 1873; Proclamation thereof made by the Governor General on the 18th day of August, 1873]

WHEREAS John Robert Martin, of the Town of Cayuga, in the County of Haldimand, and Province of Ontario, Barrister-at-Law, hath by his petition humbly set forth: that on the twenty-seventh day of September, one thousand eight hundred and fifty five, he was lawfully married to Sophia Stinson, at Christ Church, in the City of Hamilton, in the County of Wentworth, in the Province of Ontario, in accordance with the rites and ceremonies of the United Church of England and Ireland in Canada; that the said marriage was by license: that the said John Robert Martin and Sophia Stinson lived and cohabited together as husband and wife from the date of such marriage up to

Preamble.

about the first day of March, in the year of Our Lord one thousand eight hundred and sixty-eight; that the said Sophia Stinson, although the lawful wife of the said John Robert Martin, did commit adultery with one William Lount, at various times and in various places, and especially at the places and about the times hereinafter mentioned, that is to say: at the Town of Barrie, and in several places adjacent thereto, on numerous occasions during the months of September, October, November and December, in the year of Our Lord one thousand eight hundred and sixty-seven; at the City of Toronto, at the Albion and American Hotels, and in several other places in the said city and adjacent thereto, in the said months of October and December, and in the months of January, February, March, April, May and June, in the year of Our Lord one thousand eight hundred and sixty-eight, and at the City of Hamilton in the said months of January, February and March; that the said John Robert Martin made discovery of the said adultery about the first day of June, in the year of Our Lord one thousand eight hundred and sixty-eight; that the said John Robert Martin has, since the discovery of the said adultery so committed as aforesaid, refused to cohabit with his said wife, and has since lived apart from her; and that the said John Robert Martin is desirous of having the said marriage dissolved, annulled, and put an end to, so that he may be free from the same, and enabled to contract matrimony with any other person or persons with whom it would have been lawful for him to contract matrimony, if they the said John Robert Martin and Sophia Stinson had not intermarried; and whereas the said Sophia Stinson, since the discovery of the said adultery, departed from Canada, and has since been residing in the State of New York, one of the United States of America, her present residence being unknown, but her last known place of residence was at Lockport, in the said State of New York; and whereas the said John Robert Martin hath, subsequent to the discovery of said adultery, brought an action for criminal conversation in Her Majesty's Court of Common Pleas for Ontario, against the said William Lount, and recovered a verdict in the said action against the said William Lount, for two thousand dollars, and entered judgment thereon, and hath compelled the said William Lount to pay the same with costs; and whereas it is expedient that the prayer of the said petition should be granted:

Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage
made void.

1. The said marriage between the said John Robert Martin and Sophia Stinson, his wife, is hereby dissolved, and shall be, henceforth, null and void to all intents and purposes whatsoever.

Martin may
marry again.

2. It shall and may be lawful for the said John Robert Martin at any time hereafter to contract matrimony, and to marry with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized.

3. In case of the said John Robert Martin again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they, the said John Robert Martin and Sophia Stinson, had not intermarried, and having any issue born to him, the said issue so born shall be, and are hereby declared to be to all intents and purposes, legitimate and the rights of them, the said issue and each of them and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the said marriage between the said John Robert Martin and Sophia Stinson had not taken place.

Issue of such marriage declared legitimate.

O T T A W A :

PRINTED BY BROWN CHAMBERLIN, LAW PRINTER TO THE QUEEN'S MOST
EXCELLENT MAJESTY.

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